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THE

*more, in relation to*

ETHICS OF HEGEL

TRANSLATED SELECTIONS FROM HIS  
"RECHTSPHILOSOPHIE"

WITH AN INTRODUCTION

BY

*to* J. MACBRIDE STERRETT, D.D.

PROFESSOR OF PHILOSOPHY IN THE COLUMBIAN UNIVERSITY, WASHINGTON, D.C.  
AUTHOR OF "STUDIES IN HEGEL'S PHILOSOPHY OF RELIGION," ETC.

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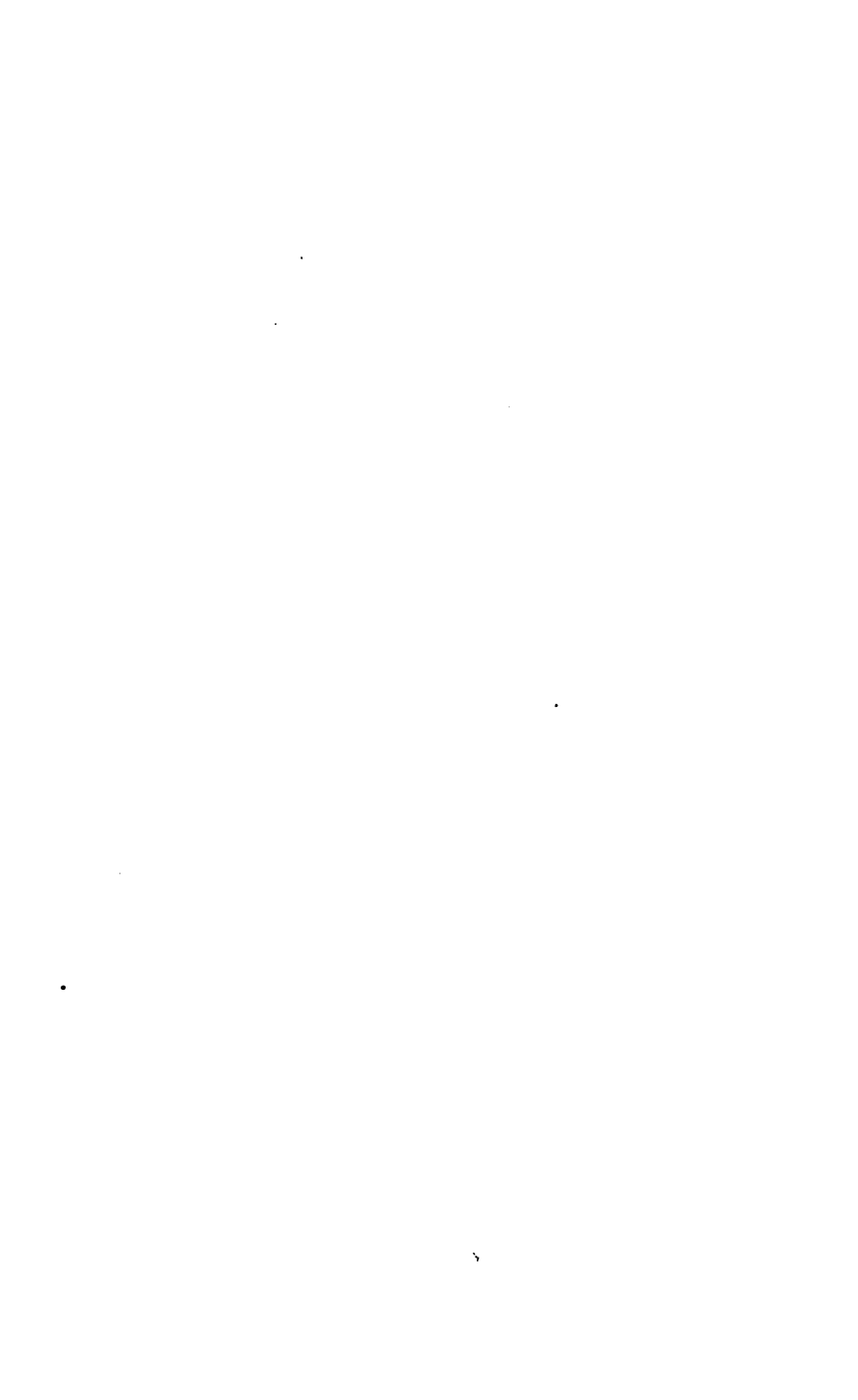
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TO  
MY WIFE





## EDITOR'S PROSPECTUS.

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THE Ethical Series, of which this book on Hegel's Ethics, by Professor Sterrett, is the second number, will consist of a number of small volumes, each of which will be devoted to the presentation of a leading system in the History of Modern Ethics, in selections or extracts from the original works. These selections will be accompanied by explanatory and critical notes. They will also be introduced by a bibliography, a brief biographical sketch of the author of the system, a statement of the relation of the system to preceding ethical thought, and a brief explanation of the main features of the system and its influence on subsequent ethical thought. The volumes will be prepared by experienced teachers in the department of Ethics and with special reference to *undergraduate instruction and study* in colleges.

The series at present will include six volumes as follows :

HOBBS, Professor G. M. Duncan, Yale University ;

CLARKE, President F. L. Patton, Princeton University ;

LOCKE, the Editor of the Series ;

HUME, Dr. J. H. Hyslop, Columbia College ;

KANT, Professor John Watson, Queen's University, Canada.

HEGEL, Professor J. Macbride Sterrett, Columbian University.

The increasing interest in the study of Ethics and the consequent enlargement of the courses in college curricula, suggest to every teacher the need of better methods of teaching the subject than those which have quite generally

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### EDITOR'S PROSPECTUS.

prevailed in the past. Instruction in the History of Ethics, like instruction in the History of Philosophy, has largely been based on text-books or lectures giving expositions of, and information about, the various systems. Such methods, although serviceable, are not as stimulating and helpful as those which put the student in direct contact with the text of the author, enabling him to study the system itself rather than to study about the system. Undoubtedly the best plan would be to have the student read the entire work of the author, but all teachers will probably concede the impracticability of this in *undergraduate* work, if a number of systems is to be studied, which is usually desirable. Only inferior, in my judgment, to the best, but impracticable plan, is the plan of the "Ethical Series," — to study selections or extracts from the original works, embodying the substance of the system. The "Series" makes provision for such work in a convenient and comparatively inexpensive manner. That the plan of instruction on which the "Series" is based is in the interest of better scholarship, I am assured by my own experience, and by that of many other teachers in the leading colleges of the country, with whom I have communicated. It is with the earnest hope of facilitating instruction and study in the History of Ethics that this series is issued.

E. HERSHEY SNEATH.

YALE UNIVERSITY.

## PREFACE.

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THE great revival of interest and work in the department of Ethics during the present quarter of a century has had its chief inspiration and source in the idealistic philosophy of Germany. Of this philosophy Hegel was the culmination and crown. Hence it is not necessary to-day to apologize for "intruding on the public with a work on Hegel," as Dr. Stirling did in 1865. Apart from the empirical evolutionary school, nearly all the prominent writers on Ethics in England have been following quite the spirit and substance of Hegel.

These "Selections" have been made from his *Philosophie des Rechts* embracing one-half of its contents, supplemented with some extracts from his *Phänomenologie des Geistes*, *Philosophie des Geistes* and his *Philosophy of History* (translation). The portions of the *Rechts Philosophie* omitted have chiefly reference to the special organization of the state and are of less obvious ethical import.

The task of translating has been a perplexing one. And the task of mastering his thought in translation may be expected to require at least the arduous effort of thought that it requires in the original, even of German scholars. The difficulties of Hegel, and the impossibility of making any adequate and intelligible translation are too well known to need more than passing mention. I have avoided making a free rendering or paraphrase, though this is much more easy and agreeable for both translator and student. I have learned that one invariably regrets having adopted this easier method, because it invariably deforms and dwarfs

Hegel's meaning. I have attempted an exact translation, making it as literal as possible with fairly idiomatic English — too literal for intelligibility, unless accompanied with careful study. Hegel's language is severely scientific and technical, largely the adaptation of ordinary German to extraordinary significations, to which *Wörterbücher* afford no clue. Common language expresses common thought, but is necessarily inadequate, without great stretching, to philosophic thought or to the scientific expression of it. Hegel's work is not merely historical or descriptive of ethical phenomena, but a purely scientific theory of the thought or concept (*Begriff*) underlying and animating all forms of morals and manners.

I have given a vocabulary of his chief technical terms which it will be well for the student to master at the outset. The *Introduction* has been made sufficiently popular for all persons interested in ethical thought — too popular for real students of Hegel.

I am indebted for valuable assistance in the way of making out some of the most difficult constructions in the German text of *Part First* of the "Selections" and also for aid in looking over the proof-sheets to my colleague, Professor Hermann Schönfeld, Ph.D. I am also indebted to Mr. P. M. Magnusson, Ph.D., for valuable help in my work of translating most of the "Selections" in *Part Third*.

J. MACBRIDE STERRETT.

COLUMBIAN UNIVERSITY,  
WASHINGTON, D.C., July, 1893.

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# INTRODUCTION.

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## I.

### *Biographical Sketch.*

THE Philosophy of Hegel is much less personal than most systems, especially in contrast with that of Fichte. His head rather than his heart is what appears throughout both his life and his writings. While this gives his biography less interest, it gives his writings much more scientific form.

In speaking of Philosophy, as showing us "a succession of noble minds, a gallery of heroes of thought," Hegel himself has remarked :

"The events and actions of this history are, therefore, such that personality and individuality of character do not enter to any large degree into its content and matter. In this respect, the history of Philosophy contrasts with political history, in which the individual, according to the peculiarity of his disposition, talents, affections, the strength or weakness of his character, and in general, according to that through which he is this individual, is the subject of actions and events. In Philosophy, the less deserts and merits are accorded to the particular individual, the better is the history."<sup>1</sup>

It is, therefore, more pertinent for us to ask, *What is Hegel?* instead of asking, *Who was Hegel?* In fact, this is the way we ordinarily think of Hegel, as the living system of thought which he wrought out. The true history of a philosopher is the history of his thought and its genesis.

<sup>1</sup> Hegel's History of Philosophy, translated by E. S. Haldane, 1892. Vol. I. p. 1.

Hegel's external biography is even more uneventful than that of most men of thought — the Alexanders and Caesars of the intellectual world. The mere subjective private characteristics, opinions and prejudices of the man need concern us but little in comparison with the universal element of thought, which was the real heart of the man. The personal character of Hegel is not very interesting: yet it was not unworthy of the philosopher as a man, and upon the whole it may be said that it needs no apology. The two points in which he has been most criticised relate to his treatment of Schelling and his so-called subserviency to the Prussian government. In neither of these respects is the reproach thoroughly justifiable.

His life was devoid of romance, being rather that of a prosaic, common-sense man of the intellectual world. Still, as compared with that of Kant, *ein alles Zermalmender*, the life of Hegel, *ein alles Umfassender*, was much more that of a citizen of the world. His acquaintance with the great literary and political men and movements of his time was intimate and profound. If he was not a patriot of Fichte's type, he was not without great interest and influence in politics.

We give a brief summary of the events of his outward life.<sup>1</sup>

<sup>1</sup> The limits of space preclude anything more than a brief biographical sketch of Hegel's life. One forgoes with regret the task of presenting the fuller biography, with temperate estimate of it as a genuine, human, scholarly life of the modern Aristotle. Rosenkranz's *Hegel's Leben* and *Hegel als deutscher Nationalphilosoph* afford ample materials for such work. This, however, has already been used most skilfully by Professor Edward Caird, who gives us a most admirable exposition and estimate of the *whole* Hegel in his volume in Blackwood's *Philosophical Classics*. There is no better introduction to Hegel's personality and work needed. Professor Josiah Royce (*The Spirit of Modern Philosophy*) also gives a brief, but with a smack of sharpness, pen-sketch of Hegel's personal characteristics, using the material of the hostile critic Haym rather than that of the eulogistic disciple Rosenkranz. Since writing the following sketch I have, for the first time, looked

Georg Wilhelm Friedrich Hegel was born at Stuttgart, the capital of Würtemberg, on the 27th of August, 1770, and retained throughout life the Suabian characteristics of bluntness, shrewdness, and of deep interest in religion and in political affairs. His family belonged to the quiet conservative middle-class. His father was an officer in the fiscal service and a decided aristocrat. His mother seems to have been a woman of more than ordinary intelligence, and devoted to the instruction of her eldest son. She died when Hegel was thirteen years old. How grateful a remembrance he cherished of her is shown in a letter to his sister when he was fifty-five years old. "To-day is the anniversary of mother's death, which I always keep in memory of her." His biographer, Rosenkranz, says that his early youth was passed quietly and cheerfully, without any remarkable experiences. The official position of his father brought his family into connection with the higher class of citizens. In his fifth year he was sent to the Latin school, and in his seventh he entered the city *Gymnasium*. He was always an exemplary scholar, and won the prizes in every class. In the diary which he kept from his fifteenth to his seventeenth year there are traces of deep ethical sentiments, though none of moral conflicts. Thus early, too, the *Aufklärung* possessed him. He inveighs against intolerance and superstition, and asserts the necessity of thinking for one's self. From this diary we learn, too, that though pedantic as a student, he did not fail to cultivate the social side of life. He frequented concerts, and enjoyed the society of the pretty maidens he thus met. Rosenkranz notes two peculiarities of Hegel at this time which he preserved through life: he was addicted to taking snuff and devoted to playing cards, especially to whist.

through Dr. J. Hutchinson Stirling's great work on "*The Secret of Hegel*," and find scattered throughout his most appreciative and valuable expository work the most scathing and harsh terms used in characterizing Hegel.

In his sixteenth year he began the habit of keeping a Common-Place Book and of writing out analyses, with copious quotations, of every book of importance that he read. He was ready to thus fill his empty self with the best of the best authors — to lose himself in them that he might find himself enlarged and invigorated. For the purpose of putting one's self at the point of view of great authors, so as to lose one's petty self in them, he held that there was no better way than this writing out copious extracts from their works. This is the first experience with the principle of education most resolutely maintained by Hegel throughout life in regard to culture in general, i.e. the principle of self-alienation (*Selbst-Entfremdung*) in order to true humanization. But even at this time of saturating himself with the thoughts of others, he showed that he was not merely passive, as he expresses the greatest admiration of the Greek world of culture, in which he soon found himself no mere pilgrim or alien. He was thus early penetrated by the nobility and serenity of the Grecian spirit, and as early showed his dislike of the prevalent morbid sentimentalism. At this time, too, we find traces of that conservative spirit in regard to the observance of the customary in social life and current affairs which characterized him throughout life as a conservative in religion and politics. He thought it to be but vain conceit to be continually protesting against established customs and creeds and to be obtruding one's own whimsical tastes upon the public. "Virtue," he said a little later, "is not a troubling one's self about a peculiar and isolated morality of one's own. The striving for any such morality is futile and impossible of attainment."

The first trace of interest in philosophy is found in one of his note-books, when he was fifteen years of age. He defines philosophy to be "the pressing through into the very ground and inner constitution of human conceptions and knowledge of the profoundest truths."

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and philology, but with no knowledge whatever of philosophy.

Like many others, his road to a place among the recognized world-thinkers lay through the conditions which hamper one in the situation of a private tutor in a rich family. Six uneventful years were thus spent by Hegel. But they were years of great intellectual activity, years of increase of knowledge, but above all of self-activity, in working over in the alembic of his own thought these gathered treasures. His education had given him a bias towards theological studies, and to the end of his life the study of religion fascinated his mind. We find him now busied with exegetical studies. In 1795 he finished writing a *Life of Christ*. Here, too, we find him noting the essential elements of Judaism as contrasted with the Greek view of religion, and even disparaging Christianity in comparison with the former, though a few years later he had worked through to the estimate of Christianity as the absolute religion, or the principle of self-realization through self-sacrifice alike in man and in God, in his relation to man. It is in this period, too, that we find the idea of love as the most significant one to Hegel. In his appreciation of it we find implicit the whole of his later intellectual system. In the movement of love he saw the dialectic leading out of self into its other, in order to its own self-realization. Here, too, we find him making that laborious study of history, which later gave him the basis for his *Philosophy of History*.

His interest in politics also led him to a fresh study of Kant's ethical treatises, that of the *Philosophy of Right*, appearing in 1797, and that of *The Metaphysic of Ethics*, in 1798. Hegel strove to unite the two conceptions of positive law and subjective morality into a higher one, which he first named "Life," and later "Social Morality (i.e. *Sittlichkeit*). He protested against Kant's utter subjugation of nature and his dismemberment of humanity (*Zerstücklung des Men-*

*schen*) into a casuistry arising from the absoluteness of the conception of duty.

✱ It was at this time that the Württemberg Diet was held to promulgate a new constitution based upon the principle of the freedom of person and property of all citizens. The king favored this constitution, but the aristocratic classes, with their vested privileges, protested against it in the name of "good old German rights." Here Hegel took his stand with the king against the prerogative of feudalism, the privilege of the guild and the purchased monopoly of the rich, for the king was, in this instance, the representative of rational freedom, of the true idea of the State.

Through all these theological, historical and practical studies there was the nascent life of the *Idea* throbbing, which was to systematize all into the concrete unity of his later philosophy. It grew and took shape and form through them. He did not at first set himself the task of finding such a concrete principle. He did not "make his studies in public," as he said of Schelling, but he felt that he was making advances which would eventually come to light in a full orb'd system. Beginning with particular questions pressing on him for solution, he was, as he says, "driven onward to philosophy, and, through reflection, to transform the ideal of his youth into a system." This "system" he put in writing in the year 1798. The above quotation is from a letter to Schelling, appealing to him as the one most likely to aid him in entering upon a public career as philosopher. In January, 1801, he went to Jena, where he championed Schelling's *Identity-Philosophy* against that of Fichte. In 1802 he united with Schelling in publishing a "Critical Journal of Philosophy," in which the common-sense dualism of mind and matter was the stock object of attack, as well as the philosophy of subjectivity. The *Identity-Philosophy*, however differently held by Schelling and Hegel, furnished "the conception of a unity above all

differences, which manifests itself in all differences, and to which all differences must refer for their explanation." From *Privat-docent* he became Professor in the University in 1805.

In 1807 he published his first important book, the *Phaenomenologie des Geistes*, which he finished amid the thunders of the battle of Jena. He seemed to have been as absorbed in this work as Archimedes at the siege of Syracuse. In "this voyage of discovery" Hegel touched and illuminated and criticised all the various standpoints of ethical and speculative philosophy. From 1808 to 1816 he was Professor in the *Gymnasium* at Nürnberg, publishing his *Logik* in 1816. For a year he was Professor at Heidelberg, where he published his *Encyclopädie der philosophischen Wissenschaften*, in which he gave his whole system in detail and in scientific form. In 1818 he was called to the most important chair of philosophy in Germany — that recently filled by Fichte in the University of Berlin. From this time till his death in 1831 he was recognized as the greatest teacher of philosophy in Germany. To fill out this outline of dates and places, so as to give a biography of such a thinker, would require an exposition of the whole of his intellectual deed. To portray him as he was, would be to reproduce him as he thought. In order to determine the place of ethics in his whole system, it is at least necessary to give a brief outline of his *Encyclopedia of the Philosophical Sciences*. Before doing this, however, we may glance at the ethical thought of his times.

## II.

### *Relation to Previous Systems.*

It is scarcely possible to speak of the relation of Hegel's ethics to previous ethical systems, without giving the relation of his philosophy as a whole to previous systems of phi-



losophy. To properly *orientate* the English student ten years ago by such a statement, would have been the task of a whole volume. But so much has been done within the past decade or two as to render this superfluous here, beyond the general references given in the *Bibliography*.

*The Development from Kant to Hegel*<sup>1</sup> is already a well-worn topic even in English, as it has long been in German. Hegel is by common consent the continuator and completer of the idealistic movement begun by Kant. The development of this movement is an excellent historical illustration of Hegel's own method, from the abstract universal through difference and particularity to the concrete synthetic universal. Hegel is said to have burned his bridges behind him. Stirling will have it that he was always "a crafty borrower," using and then abusing his predecessors. But the bridges of thought are incombustible, and it is not difficult to trace the continuity of Hegel's thought with that of Kant through the diversity of Fichte and Schelling. Hegel, for the most part, leaves out names and dates, abstracting the essence of systems and integrating them into his own system. His intimate relation to Kant, however, is best shown by the polemic which he constantly wages against all parts of Kant's system, especially his ethical theory. In relation to Kant, Stirling shuts up Hegel in the single sentence: "Hegel simply conceives the *ego* to develop into its own categories and, these being complete, externalization to result from the same law." This was however no simple matter, but rather the prodigious labor of the *concept* itself. So too, to shut up Hegel in a sentence in relation to Kant's ethical theory we might say, — he simply (rather, complexly) gave an exposition of the course that the abstract universal law or "Categorical Imperative" of Kant must take and has taken in becoming definite, concrete, realized, incarnate in the ethical life of humanity.

<sup>1</sup> The title of Professor Andrew Seth's volume.

The starting point of both Kant and Hegel was man as thinking will. But Kant considers the will of subjective man in unattainable identity with the universal will of the transcendent intelligible world, while Hegel gives us the vital synthesis of these two in his conception of the *ethical world* in which each one has his station and definite duties. The categorical imperative upon both was *Γνώθι σεαυτόν* on its practical side, the will. They differed chiefly in their conception of the *σεαυτόν*, whose exegesis they attempted.<sup>1</sup> With Kant it was the abstract, subjective self; with Hegel it was the concrete, objective, the completely ethicized or socialized self. Kant lived and labored under the conceptions of the eighteenth century rationalism, which held that reason was innate in every man as a sum total of clear, fixed notions, while Hegel considered reason as an immanent impulse of rationality that was continually realizing itself in human experience. They both had a metaphysic of ethics. But with Kant this was forever unutterable; with Hegel it had been continually uttering itself in the institutions of man. With one it was formless, with the other it was the continuously self-realizing *Word* that from the beginning was formative of the moral organism of humanity. The one looked solely within, the other looked outward for the self to be studied. Again with Kant the true *res interna* was absolutely supersensible. With Hegel it was expressed in definite and increasingly adequate forms in the *res publica* of the external world of man's activity. Hence he makes his "Philosophy of History" an illustrative exposition of his science of ethics. The State, in the most concrete sense of this term, is the *σεαυτόν* manifesting itself in temporal conditions. The history of the world is the tribunal through which man utters the forms of the categorical imperative heard in the supersensible world. Let us say in brief, then,

<sup>1</sup> I quote here and elsewhere in this *Introduction* from my article on *Hegel's Ethics* in "The International Journal of Ethics," January, 1892.

that the difference between Kant and Hegel may be formulated as the difference between an abstract and a concrete *σεντόν*.

Hegel never ceased to inveigh against the vice of abstractness. His whole work consists in starting from, criticising, and passing beyond various abstract conceptions to a real concrete in which alone they find their place as organic phases or members. That which is true relatively to its correlate is false when abstracted from its correlate. And both correlates are true only when they pass through this category of reciprocity to the organism which they both imply and demonstrate. The empirical and the noumenal self; the pure reason and the practical reason; subjective freedom and conditioning environment; duty and the good, — these are some of the elements of ethical man that Kant abstracted from their organic process, wherewith to build his airy castle of morality. Abstractions, every one of them, says Hegel, who endeavors to lead through them to the more concrete view. We may, however, select two terms which will illustrate the difference between Kant and Hegel in ethics, — *i.e.*, *Moralität* and *Sittlichkeit*, both of which are used by the Germans for what we call morality. The first denotes the morality of the heart or of the conscience. The latter denotes conventional morality, or the objective customs that are recognized as moral (*ἠθικά*, *mores*, *Sitten*). The first is the individual conscience, the second is the social conscience. Hegel would say that there would be no *Moralität* without *Sittlichkeit*, while Kant, with his categorical imperative, would make each individual an *Athanasius contra mundum*. Hegel would say that there could be no duty without some objective good as content for the formal good-will. That is, there can be no abstract self-realization by the conscientious man, no good-will without good manners. To realize himself the individual must do it in the forms of social man, must go beyond himself to be him-

self. He must erect himself above himself and expand himself beyond himself in his actualizing of his good-will. Only in the objective forms of his station can he find his duties. Otherwise his morality is sure to be peevish, cranky, and tyrannical, though, as a Simon Stylites, he may write the title of saint before his name. Hegel makes most trenchant criticisms<sup>1</sup> of Kant's formal law, showing that as an abstract universal it can neither suggest any particular duties nor test the rightness of rules otherwise suggested. It can only be a voice thundering in the inner Sinai, "thou shalt," without power to proceed to decalogue or monologic specification of what to do. Only an objective standard of right can afford the ground of private judgment and render it other than mere wilfulness, or mis-judgment. Pythagoras had this in view when he said that the best education one could desire for his son would be to have him become a citizen of a nation with good institutions. On the other hand, such good institutions are impossible without the element of *Moralität*. Society does not exist apart from the individual. It is rather an organism of organisms, whose *Sittlichkeit* expresses the immanent *Moralität* of its people. It exists in and through the life of its members. Hegel's conception combatted both an abstract individualism and an abstract societarianism. His ethics are the result of the organically related elements of abstract personal, or external, rights and *Moralität*. His *Sittlichkeit* is the very life of the most concrete form of the self or man, — *i. e.*, the State. It is the science of this body politic in its movement of self-realization, in which also the individual realizes himself, because its realization is what he must enter into in order to be what he ought to be.

We should note that nothing could be more false to Hegel than to translate his *Sittlichkeit* by mere *conventionality* or his *Sitten* by mere *customs*. This would be to take out the

<sup>1</sup> Hegel's *Werke*, i. 313, referred to by Professor Caird, "The Philosophy of Kant," ii. 186.

vital heart which formed, received and obeys loyally its own customs. The child thoroughly permeated by the family spirit yields glad obedience to family customs. The patriot, in peace as in war, observes his national customs and laws as expressions of his own true will. There is no mere blind conservatism in all this, but rather the same vital spirit which goes on to reform old customs, adapting them to the new and higher forms of life. The morality of the individual is possible only in this realm of the ethical (*sittlich*) world. He must have suckled at the breast of his environing *ethos*, and have converted it into flesh of his flesh and bone of his bone. There is to be found the material and the standard of his own morality. "The ethical life of the individual is but a pulse-beat of the whole system and itself the whole system." All education is the art of making men ethical (*sittlich*), of transforming the old Adam into the new Adam. "The child is the mere possibility of a moral being."<sup>1</sup>

Obedience is the beginning of practical morality. His discipline is the entering fulness, through which he becomes a son, brother, husband, father, citizen and a cultured man. Hegel throughout holds in organic relation both elements of solidarity and independence. Nothing could be further than his theory from the mechanical, conservative conventionality of Chinese morality. He says that "the distinguishing feature of the Chinese is that everything belonging to the spirit — unconstrained morality, heart, inward religion — is alien to it." Again, he says: "Custom, activity without opposition, for which there is only a formal duration, in which the fulness and zest that originally characterized the aim of life, is out of the question. This is death to individuals and nations, or mere nullity and tedium. Only the adoption of some new purpose can awaken, can revivify such people."<sup>2</sup>

<sup>1</sup> Cf. Hegel's *Werke*, Band I., 396 and 399.

<sup>2</sup> Hegel's *Philosophy of History*, pp. 144 and 78.

The difference between the ethics of Kant and Hegel may also be expressed in these two formulas: "Duty for duty's sake" and "My station and its duties." With Kant Duty is the abstract transcendent law of the intelligible world which no man can ever realize, and which Duty yet commands man to realize for its own sake. The absoluteness of Duty was sometimes insisted upon by both Kant and Fichte in a thoroughly inhuman way, as utterly divorced from all joys of the heart and secular happiness. It was against this *moral rigorism* of formal duty, slighting all regard to the phase of subjective needs and to the diversities of individualities and situations that Jacobi made his now classical protest: "Nay, I am that atheist, that profane person, who in despite of the will that wills nothing (*i. e.*, in despite of the abstract formal precepts of morality) will lie, like the dying Desdemona; prevaricate and deceive, like Pylades representing himself to be Orestes; will murder, like Timoleon; break law and oath, like Epaminondas and Johann de Witt; resolve on suicide, like Otho; commit sacrilege, like David; nay, pluck ears of corn on the Sabbath, only because I am hungry and the law was made for man and not man for the law," claiming the right for such deeds against the absolute irrational letter of the law. Though Hegel (in 1802) criticised<sup>1</sup> Jacobi very severely and pointed out the danger of "Jacobi's principle of the beauty of individuality" leading to the exalting of sentiment and instinct to be the judge of the ethical, he afterwards (in 1817) recognized the element of truth in Jacobi's fierce protest against *moral rigorism*. Kant's emphasis on this element of morality was a needed corrective of hedonism, but it could afford no table of definite duties to be performed. He was himself no Moses to bring it down from the mount on tables of stone. Indeed to define or particularize the law would be to destroy its universality and thus its imperativeness. The

<sup>1</sup> Hegel's *Werke*, Band I., 105-111.

good will could not be found on earth, because the law could give no laws. "Obey duty" could therefore mean, do no particular deed, because no particular is equal to the universal. It could only be done by the absolute annihilation of the individual, for you cannot universalize any particular maxim, nor can you particularize the formal universal law without marring it.

Hegel was the Moses to bring the law down from the mount. The tables of stone were the deposit of reason, realized more or less consciously, in the practical ways of a people, in the substantial constitutive spirit of men as expressed in traditional and current codes. Against Kant's *dictum* "The good *ought* to be" Hegel opposed the assertion "The good *is*." The law was found throbbing through the social organism of humanity, its vital and synthetic principle. In living the concrete life of one's station and people, the individual was fulfilling duty. The life of the social community (family, society, nation) exemplifies the concrete, objective, inclusive law. It is the moral organism in which the individual must be a vital organic member. At every stage of every community there is present a world so far moralized. The ethical man is the wise man who knows and identifies himself with his community. The immoral man is the one who is out of harmony with this good will, the will for the good of the community. We should know better than to think that we know better than this larger, communal self.

Duty thus becomes definite and concrete. I belong to certain circles of fellow-men. I live in certain social tissues. This is my station in life. To know this is to know my duties. I must realize myself by fulfilling all the relations about my station. I must fill my place, perform a definite function in a definite organism, be a vital member of it. Organs and organism mutually live and work for each other. "The individual's morality is a pulse-beat

of the whole system and itself the whole system." Thus the abstract formal universal law of Kant is exchanged for a reflection in the individual of the concrete, objective ethical world of his community. It becomes an immanent intelligible universal, definite and concrete.

In Kant we find the emphasis put on the individual. Hegel emphasizes rather the function of the objective social organism, which he calls the State, to rear the individual into that condition where respect for the right is combined with ethical beauty. "This lofty intuition," says Rosenkranz, "is the Hellenic trait in Hegel, which, however, did not lead him to abate a tittle of the sharpness and energy of the Germanic principle of individuality." Hegel himself declared that the study of the master-pieces of classical literature should be "the spiritual bath, the profane baptism which imparts to the soul the first and inamissible tone and tincture of good taste and science."<sup>1</sup> Certainly the anarchic conception of "Man *versus* the State" was as foreign to Hegel's thought as it would have been to a citizen of Athens. He would rather say, you cannot be a man without the State, you cannot be a whole unless you are a vital member of a whole.

This, perhaps, is as far as Hegel brings us in the present treatise. But, as we shall show, this is only a part of a larger whole into which Hegel carries up the self-realizing process of the will into the absolute realm, carries up humanity on the mount of transfiguration, — into the realm of Absolute Spirit, which is the real presupposition, cause and end of *objective spirit*, or of man in secular relations.

We might thus go *per saltum*, as Hegel himself did, from Kant to Hegel. But we should at least notice the mediation of the ethical philosophy of Fichte, whose personality and ethical enthusiasm really eclipses his philosophy in worth and interest. Like Jacobi, he had a heart of fire,

<sup>1</sup> Karl Schmidt's *Geschichte der Pädagogik*, IV., 678. Edition of 1862.



but unlike him, he followed his head, endeavoring to complete the work of Kant. Kant refused to own this work, being unable to recognize the skeleton which he had formed when clothed in flesh and blood by Fichte. Fichte claimed to harmonize Kant's two *Critiques*, reducing his dualism to the monism of subjective idealism in morals as well as in philosophy. He made the *ego* to be the author of both the moral law and of the endeavor to realize it. The principle of unity thus attained is the *ego* itself. This alone, he claimed, could be the true significance of Kant's *autonomy* of the will. Beyond the *ego* there is naught, not even the ghostly *Ding an sich*, nor the suprasensible intelligible world. This is subjective idealism, where the *ego* both forms (*macht*) and creates (*schafft*) its own world, in definite contradiction to Kant's dictum, *macht zwar der Verstand die Natur, aber er schafft sie nicht*. It was owing to this character of subjective idealism that Hegel relegates it to the rank of an historical and superceded system. He says that Fichte denied all external reality, making the *ego* to produce its own *non-ego* for conduct as well as for thought. Still Fichte held that in morality the identity — *ego* = *non-ego* — was never fully realized, the identity thus remaining a subjective one, and a struggle with self the essence of morality. Thus, the highest point of the system is only a must (*sollen*) and a striving (*streben*). In showing this impossible demand; never able to attain objectivity, Hegel leaves the system as nothing more than subjective idealism of the empirical *ego*.<sup>1</sup> That Hegel failed to do Fichte justice is evident to any reader of Fichte, though we feel this to be a slight done to his personality and moral enthusiasm rather than any injustice to his theory of ethics.<sup>2</sup>

<sup>1</sup> For Hegel's criticism of Fichte cf. Hegel's *Werke*, Band I.

<sup>2</sup> "It is difficult to speak calmly of Fichte. His life stirs one like a trumpet. He combines the penetration of a philosopher with the fire of a prophet and the thunder of an orator; and over all his life lies the beauty of a stainless purity." — *Chamber's Encyclopedia*.

Accepting this criticism as true, taking Fichte at his word as a subjective idealist, we may say that he utterly outdid Kant's boasted Copernican feat, not only making the stars to revolve around the *ego* as the central sun, but making the *ego* to be the creator of the whole moral firmament itself. Thus in morals with Fichte the appeal must always be to the individual's conviction of duty. He must act according to his conscience. I am not aware that Hegel or any other one has directly charged Fichte with the evils that naturally flow from the principle of the right of private judgment, the evils of individualism, moral atomism, moral mis-judgment, though these are consequences of all subjective idealism. The *private* conscience can have no judgment, for a judgment is essentially a universal as Kant taught. It can only have whims, caprices, likings and opinions of a *private* and therefore of a *particular* and *partial* character. Unsaturated with the communal universal life, ceasing to be a pulse-beat in the system, his judgment loses the character of a judgment or law.

Following Kant, Fichte at first separates even more sharply between the spheres of Right (legality) and Ethics (morality), making the former to be utterly independent of the latter, and excluding it entirely from the realm of morality. Right (legal) is merely mechanical, external force holding individuals in the bonds of civil society. In morality the individual is purely autonomous. The State is merely a social compact, proceeding from the want of confidence and sociality. In his later philosophy, however, he puts more emphasis upon the State as the condition of morality, making it to rest, not on the compact of individuals, but upon the aim of the species. To it belongs the imposition of all forms of culture and activity. Its final aim is to make ethicality (*Sittlichkeit*) possible. Its power is both obligatory and enfranchising, in the education of the race.<sup>1</sup> Thus he

<sup>1</sup> Cf. Adolph Lasson's *Rechtsphilosophie*, 6 and 100-102.

approaches more nearly the position of Hegel's *Philosophy of the State*, though in no scientific form. Like Schelling, in his latter day he ran into mystical pantheism and absolutism.

We need say but little of the relation of Hegel to Schelling, of their early pact, of Hegel's apparent discipleship, of the lasting unpleasantness between them after the publication of the *Vorwort* to Hegel's *Phänomenologie des Geistes*. Beginning as an ardent Fichtean, Schelling soon developed in his *Identity-Philosophy* an abstract pantheism. The *Program* of the *Critical Journal of Philosophy*, which Schelling and Hegel edited jointly, asserted that "the great immediate interest of philosophy is to put God again absolutely at the head of the system, as the one ground of all, the *principium essendi et cognoscendi*." Hegel took this in earnest, and ever remained faithful to it, applying it to the solution of ethical antinomies and to the explanation of the ethical life of mankind. His course onward was towards a more concrete conception of the Absolute as Subject, as Spirit, while Schelling's course was the reverse, making the Absolute to be the mere indifference point or the identity of indeterminate substance. It is with this blank, unspiritual principle that Hegel definitely breaks in his *Preface* to his first independent work, *Die Phänomenologie des Geistes*. "In such philosophy," he says, "the Absolute is, as it were, shot out of a pistol." "It is the night in which all cows are black." That is, in it all different things—right and wrong, good and bad—are the same. This blank Absolute Substance of Schelling furnished no foundation for ethics, while the eternally self-realized and self-realizing Subject of Hegel does. God is the beginning and the goal, the orderer of the moral order of the world and the creator of the moral ideal. It is this divine principle which constitutes the intellectual and ethical cosmos into which man is born for self-realization. For the individual, self-realization is to come through

renunciation of the empty self in favor of the larger and truer self mirrored for him in the various circles of the social organism, and ultimately in the institutions of Absolute Spirit — Art, Religion and Philosophy. As to Hegel's crafty indebtedness to Fichte and Schelling, it is to be considered that we may make and read a patchwork of the two that seems like Hegel, but that we read it in the light of the full, organic, scientific work of Hegel himself. At best, his predecessors' works were but the quarry whence his genius builded a great structure.

Hegel's ethical view was also in marked contrast with and opposition to the ethics of the general eighteenth century view known as the *Aufklärung*, *éclaircissement* and free thought or rationalism.

The *Aufklärung* was essentially a protest against all traditional dogmas, cults, creeds and institutions.<sup>1</sup> The transcendent worth of the illuminated and enfranchised individual of that time was a very delirium of self-conceited private judgment, setting up private reason as the valid tribunal before which to summon all manner of hitherto valid laws and customs. It was a conceited enlightenment (*éclaircissement*) or a clearing *up* (*Aufklärung*) that, as Schelling said, had turned into a clearing *out* (*Ausklärung*) of all the wisdom and practical experience of the race. This produced that ethical atomism in which each atom was independent of every other one and of all forms of association in which they had been enslaved by priestcraft and statecraft. Rousseau asserted this freedom and validity of the merely "natural man," decivilized as far as possible. But the natural man was not large enough to measure all things, to appreciate and estimate rightly the universal human reason already done into ethical forms of life. Hence it virtually dropped all judgment, all application of universal principles, and

<sup>1</sup> For Hegel's exposition and criticism of this movement consult *Phän. des Geistes*, 356-437; and *Philosophy of History*, 456-474.

stuck to its own private pint-cup measure. Kant, in refuting Hume by demonstrating the existence of *a priori* principles of judgment, of categories absolutely independent of experience, did not himself attain to real objectivity and validity. While proclaiming universal and objective principles he still made them *subjective*, and hence his philosophy could not stem the current which insisted upon privatizing these universals instead of insisting upon the private conscience universalizing itself in the communal traditional conscience. Hegel asserts<sup>1</sup> that this freedom and independence and validity of *private* judgment belongs to the Kantian philosophy. In Germany, however, he thinks it remained rather a "tranquil theory," while in France it was tried in practical life, where it culminated in the Reign of Terror.

Now, Hegel polemicized persistently and strenuously against the moral as well as against the intellectual views of this rationalism of the understanding. He had been early attracted by the glamour of its enthusiasm for the abstract rights of man, as against all enslaving customs of existing ethical institutions. He also early saw its utter negativeness, "ignoring the holy and tender web of human affections." He insisted that Reason was not so late born as the eighteenth century, but that it had always been regnant in the practical world; that it had always been operative in the formation of all social customs and institutions which bound men together; that it was the real substance of the concrete life of civilized man. This enabled him to meet all the negative criticism of existing institutions (family, society, state and church) and to vindicate their validity and rationality as institutions of the spirit for the education of man into freedom — into humanity. Such, indeed, we shall find to be the whole argument of his Ethics as contained in the following "Selections." Against the whole rationalistic movement of free thought (better designated anti-rationalism)

<sup>1</sup> *Philosophy of History*, p. 462.

Hegel dared to maintain that "The Real is the Rational." Even the most superficial acquaintance with his philosophy, especially with his dialectic, suffices to guard this expression from being considered the equivalent of a pet phrase of the very movement he was combatting, *i. e.*, that "Whatever is, is right." The "Real," he explains (*Logic*, § 6), is not the accidental actuality of any and every sham, but the vital substance of the Divine Reason in past and present institutions — the throb of real rationality which alone enables them to arise and thrive, and to nurture man into humanity. Whatever is, is because of its seed or web of rationality. The "*is*" is always a phase of the *ought*. The *real* is not and never has been "so feeble as merely to have a right or an *ought* to exist without actually existing" (*Logic*, § 6). To be a man, one must at least wear the clothes of a man. The disrobed "natural man" of the *Aufklärung* needs to be assured that clothes are rational, and Hegel's task in his *Ethics* is to reclothe the perishing nude infant of vulgar rationalism. His *Philosophie des Rechts* is a philosophical *Sartor Resartus*.

### III.

#### *Exposition.*

We have said that it would be necessary to give an outline of Hegel's *Encyclopädie* in order to see the place that ethics holds in his whole system. It is also necessary to give this for another reason. It has sometimes been maintained that Hegel never gave any thorough exposition of ethics. Any adequate knowledge of Hegel, however, easily disposes of this objection. Hegel's doctrine of ethics is found chiefly in the *Philosophie des Rechts*, which is an enlarged exposition of Part Second of his *Philosophie des Geistes*. With this goes, as an interpreting and fulfilling sequel, his *Philosophy of History*. We have made but

slight reference to his *Phänomenologie des Geistes*, which contains not only his ethics, but nearly all other parts of his Philosophy, in brilliant and somewhat imaginative form. Apart from this earlier and graphic work (1807) Hegel only published the following works.

1. *The Science of Logic*—called his *Larger Logic*, 1811–1816.
2. *The Encyclopedia of the Philosophical Sciences*, 1817 and 1827.
3. *The Philosophy of Right*, 1821.

All the other volumes of his Works were edited from his manuscripts by his friends after his death.

The *Encyclopedia* contains the whole *system* in the scientific form given by himself. It is his attempt to exhibit his system in its entirety. As we now have it, it is Hegel's own revised and enlarged edition, together with additions made from his manuscripts used in the Lecture-room.

This *Encyclopedia* is not a mere compend of heterogeneous parts, but a systematic exposition of all parts of philosophy in their organic relations; that is, an exposition of all the connected phases of reality that come under the cognizance of the philosopher. It is concerned with Absolute Reality in the phases of *unity*, *difference* and *totality*. Hegel's term for this Absolute Reality is the *Idea* (*Idee*) or God. He makes three divisions of the *Idea* as

1. Reason (*Vernunft*).
2. Nature.
3. Spirit (*Geist*).

Otherwise, as he denominates them :

1. Logic, or the Science of the pure *Idea*.
2. The Philosophy of Nature.
3. The Philosophy of Spirit.

1. The first might better be termed Metaphysics or Ontology. It makes abstraction from the reality of nature and finite spirit and considers only thought in the abstract.

It takes up all the various predicates or categories by which human reason has sought to define and comprehend the Universal, the Absolute, beginning with the most abstract and empty of them all (mere being) and showing how each lower one criticises and elevates itself into the next higher one, until restless thought rests in the most concrete and absolute category possible—the *Idea*, God. It exhibits the interconnectedness of all categories by means of the vital dialectic of difference. It is a criticism of the Categories of thought by itself, in its march to thorough comprehension of Reality, through partial conceptions, ending with Absolute Personality as that which all the others imply and as that which includes and explains them all.<sup>1</sup>

How have men named this reality? Hegel takes up the various answers, only in scientific rather than in historical forms, and shows their mutual limitations and filiations, arranging them in the order of their comparative capacity to express truth in the totality of its relations. To stop here would be to stop with the metaphysics of Reality. But *metaphysics* implies physics, presupposes a realm which it enswathes and sustains.

2. This realm Hegel takes up in his *Philosophy of Nature*.

The transition which he makes from the *Logic* to Nature is confessedly obscure. It is, however, none other than the difficulty of the question of creation by God, the transition from God, into the act and processes of self-alienation or creation. Hegel, at all events, makes this a free act of God. He says, in the last paragraph of his *Logic*: "The

<sup>1</sup> It was in regard to this work of the *Logic* in giving a critical exposition of the categories of thought that Hegel made the following striking remark:—"If it is held a valuable achievement to have discovered some sixty odd species of the parrot, a hundred and thirty-seven of Veronica, and so forth, it should surely be held a far more valuable achievement to discover the forms of reason: Is not a figure of the syllogism something infinitely higher than a species of parrot or of Veronica?" Hegel's *Werke*, Band V., 139.



*Idea* is absolutely free; and its freedom means that it does not merely pass over into life, or, as finite cognition, allow life to show in it, but in its own absolute truth *resolves* to let the element of its particularity or of the first determination and other-being, the unmediated *Idea*, as its reflection, go forth freely itself from itself as *Nature*." That is, we have the *Idea* in its most abstract form passing over into the phase of time and space existence, progressively, however, realizing or objectifying reality through various forms up to finite spirit, and then, through the various stages and grades of finite spirit, ultimately up to God again.

His philosophy is no mere naturalism or materialism. Nature is not the first with Hegel. Nor is it the essentially evil, as with the Gnostics. But it is essentially rational as the creation of the Divine Reason, progressively ascending to more adequate rational forms, collecting and elevating itself till it reaches the form of organic life and passes into *soul* as the first form of finite spirit. *Nature* is the matrix and the cradle of finite spirit, not because its potency brings forth man in and of itself, but because it is so used by the immanent Divine Reason. He says: "The end of nature is to destroy itself, to break through its immediate sensible covering, and, like the Phoenix from its flames, to arise from this externality new-born as spirit."<sup>1</sup> Spirit is really the ground of the possibility of nature, rather than a natural product of nature. Nature is simply the *Idea* displaying its own element of particularity in the form of otherness, and the gradual reduction of this form to its own absolute form. In the last paragraph of this work he says: "The aim of this treatise is to give a picture of nature in order to conquer this Proteus; to find in all its externality only the mirror of ourselves; to see in nature the free reflexion of the spirit; to recognize God in this His immediate form of determinate being."<sup>2</sup>

<sup>1</sup> Hegel's *Natur-philosophie*, 696.

<sup>2</sup> *Ibid.*, 698.

### 3. The Philosophy of Spirit.

Hegel's transition from *Nature* to *Spirit* is thus readily seen to be clear, explicit and satisfactory. Nature culminates in man, the *interpretation* as well as the interpreter of nature. His *Philosophy of Spirit* includes Subjective Spirit (Anthropology and Psychology), Objective Spirit (Rights, Morality and Social Ethics), and Absolute Spirit (Art, Religion and Philosophy). It is with the second division, that of *Objective Spirit*, that we are here concerned, though we must note in the sequel how Hegel carries the whole process of finite Spirit up into the sphere of Absolute Spirit. All three parts form an exposition of the actualization of spirit, of its progressive self-realization from the lowest form of consciousness to its highest, its return through immense labor to its own true, rational and divine self. Thus no one part can be taken as complete in itself. It is only the taking of the whole as one high argument that preserves any part from the unjust criticism so often offered. In fact, the whole of the *Philosophy of Spirit* is an ethical treatise, if we use the term ethics in the broad sense of the self-realization of the human spirit. The "Selections" in this volume are, however, confined to his treatment of *Objective Spirit*, as fully elaborated in a separate treatise, the *Philosophie des Rechts*," which exhibits the free spirit as it actually stands or lives as *thinking will* in the world. It is an exhibition of spirit as objectified in the institutions of law, the family, and the state, set between *subjective spirit* and *Absolute Spirit*. Thus his Ethics start from the natural condition of man, and lead on to man in his highest relations, exhibiting the perfection of his spiritual character in the realms of art, religion and philosophy,—the three *media* of perfect self-realization or of comprehension of his relations with the Absolute Spirit of whom and through whom and to whom are all things. We shall note, in our criticism, Hegel's *apparent* failure to carry ethics up into this sphere of the Absolute Spirit.

Hegel's method is always that of beginning with the most abstract phase of his topic and following through the immanent self-criticism of one abstract phase to another until the organic concept (*Begriff*) is reached, which is then seen to be the real presupposition throughout, instead of being an inductive result. His true first principle, his most concrete statement, is scarcely perceptible in his first advances, but it comes more and more clearly to light, as the immanent and organic principle that lives in, through, and above all the abstractions that strut dogmatically, aping the real. Objections will be continually raised against the dogmatic utterances of Hegel as to the earlier phases of right and freedom, these being taken to represent his own full opinion on the topic in hand. But he is only stating the various dogmatic standpoints that have been, or may be, held on the subject — the crude and imperfect opinions upon which he is to let loose the dialectic fire to purge them of their dross. "The will is absolutely free." "The will wills the will and always wills itself." "The 'Person' (abstract) has the right to put his will into everything and thereby make it his own." These and other examples will readily be noted by the student.

Again he often speaks of the immature as the fully ripened, of the acorn as an oak, the materials and plan as the cathedral. But the one who reads him closely can generally find how he guards against misunderstanding by means of one of those many troublesome phrases noted in the *Vocabulary*. The true way to read Hegel, in one sense, is to read him backward — his end is his real beginning. This, however, he always announces at the first in its potential form and then follows through its stages of realization. His order, moreover, is always the logical one from the abstract universal through the particular to the universalized individual. In other words it does not follow the empirical or historical order of the development of an institution. He

starts with the concept of the will. A *concept* is relatively a *causa sui*, a logically self-determining force, potentially containing all the contradictory phases taken on in the course of its self-revelation. Just how or when any of these phases occur empirically is a matter of no consequence so far as the science is concerned. It is a matter of greatest consequence that they should thus occur and be the revelation of the concept. But the chronological order of the various empirical phases does not necessarily coincide with the logical order of the concept. The speculative method is to exhibit all these phases as inherently interrelated and as the self-characterizations of the concept itself. The external manifestation or history of a concept is generally a scene of contingency. The speculative method takes and arranges all these partial and miscellaneous forms in accordance with the concept, stripping them of contingency and organizing them into system; thus exhibiting the rationality (the self-developing concept) of their history. Thus we have the real history of any institution, as Wallace says, "written, as if it had been, in evanescent inks — dates are wanting — individualities and their biographies yield up their place to universal and timeless principles."<sup>1</sup>

This exposition of any *concept* is made by means of its own *dialectic*. That is, the scientific method of Hegel is the dialectical one. The dialectic is neither mere subjective nor external criticism. It is the immanent life of the concept, criticising itself from lower to higher forms. Starting from a dogmatic assertion of the undeveloped universal, we see the dialectic gradually specifying, particularizing it and successively transmuting each dogmatic particular form into a higher form, until the abstract universal becomes fully particularized, defined, realized — the concrete universal — the individual or the *concept* itself. First we have the abstract thesis, then the special antithesis and finally the full syn-

<sup>1</sup> The Logic of Hegel. p. LXIII.

thesis, all of which is the self-realization of the concept. The growth of the tree from the seed represents this inner dialectic of the concept of a tree.

The process is not deductive or *a priori*, proceeding from a first principle which remains valid and normative throughout. It starts rather from an undeveloped first principle and shows how inadequate it is, presupposing always a more concrete principle as its logical condition. This concrete principle is at once the logical and the chronological presupposition. "In the beginning God (created)." The dialectical procedure is a retrograde movement from the abstract to the concrete, from error to truth, from the dependent to the infinite, the self-determining. That is, the procedure is always towards the first principle which is ultimately seen to be the true, the first and the final cause of the whole process. Each higher stage is reached, not by a mechanical evolution from the lower one, but by means of the imperfections and implications exhibited by the lower one. All nature, all life, all thought, except Absolute Thought exhibits this immanent dialectic. So much has already been written about this dialectic method of Hegel that we need do no more here than give one illustration from the text.

The first form of the ethical concept is the family—an inclusive universal or unit. But soon the diversities or distinctions of parents and children appear. A married couple do not constitute a family. Children break in upon this simple unity, and remain always children to their parents. But they do not always remain children. They grow to maturity, leave their parents' roof and establish new families. Family property is divided, the family broken up, resolved into mutually independent individuals with various interests, thus merging into the realm of civil society. Here the particular interests of individuals jog and jostle each other through civil relations till the ethical realm of an organic nation is reached in which both family and civil society are integrated, preserved and fulfilled.

Hegel's *Philosophie des Rechts* may be called the doctrine of the will. The will is the man, and ethical man is will realized in his social institutions. To reach this conception, however, he starts with the most abstract conception of will, which he takes as ready to hand. He divides the whole work, as usual, into triadic form :<sup>1</sup>

I. The will as immediate, undeveloped potentiality, which gives the sphere of abstract or formal right.

II. The will self-reflected, or subjective individuality, opposed to objective will. This gives the sphere of *Moralität*, or of conscience *contra mundum*.

III. The will as the unity and truth of these two abstract phases, the realm of formal freedom and objective right realized in the world. This gives the realm of *Sittlichkeit*, or the ethical world, as the concrete realization of man as will. This includes the sphere of (a) the family, (b) civil society, (c) the State in the most concrete sense of the term, such as Dr. Mulford construes "the Nation." Under this last he embraces (a) internal polity, (β) external polity, (γ) international polity, merging into Universal History, as the realization of man in the most cosmopolitan sense of the term.

We give a translation of the larger half of this volume, and here offer a brief and free exposition of its contents, referring the student to the fuller and admirable exposition given by Prof. Geo. S. Morris in his volume on "Hegel's Philosophy of the State and of History." We recommend this volume as a companion book to this translation.<sup>2</sup>

<sup>1</sup> § 33. *Grundlinien der Philosophie des Rechts*. Berlin, 1848. All the references in this volume are to this later edition of the work.

<sup>2</sup> It seems fitting that we should pay a brief tribute to the memory of one of the chief philosophical teachers of America, the late Prof. Geo. S. Morris, of whom the English quarterly, *Mind*, says: "He had gained a most enviable name and influence among philosophical students and writers and teachers. There is every reason to regret deeply his untimely death at the age of forty-eight." He was the centre of a deep religious and ethical influence extending far beyond the limits

The subject-matter of Hegel's *Philosophy of Right*, or of the *State*, is the human will, and thus it is essentially a treatise on Ethics. But the will, as Hegel tells us (§ 4), is a particular form of *thought*, — thought translating itself into determinate being, thought as impulse to self-actualization. The will, too, is essentially free. At first it is only formally, potentially free. It is only through a long series of mediations, — through many advances, retreats, and ultimate conquests of itself in diverse and apparently foreign forms, — that this, its essential nature, is realized. Put in another way, the subject-matter is the human will, as respects the relation of particular (private) to universal (public, social) will of man, and ultimately of this universal human will in relation to the *absolutely* universal Divine will, though this latter belongs to the subsequent and concluding portion of his *Encyclopedia*.

Cognition completed passes into practical activity. To think or know an object is to create, determine and possess an object; but intelligence, which determines objects, is will. It is spirit willing, or realizing itself. But will is taken at first in its potential, undeveloped form, — will, as it were, in the state of nature rather than in state of civilization. It is rather the instinct of the needs and greeds directed to the satisfaction of the individual; it is poten-

of the University of Michigan. I quote the following from a private letter of Prof. Williston S. Hough, of the University of Minnesota, a former student of Dr. Morris, and, at the time of his death, his assistant in Philosophy: —

“At times he spoke almost as one inspired with the melodious rythm of a poet and the illumination of rare philosophic insight. Yet the chief source of his power was unquestionably his own character. He will live in our thought as a remarkable exemplification of sweetness and light. His loss to Philosophy in this country is great and twofold: 1st, as a teacher who would have inspired a genuine interest in Philosophy in every student who came under him, and who would have educated many special and useful scholars in this field; and, 2d, as a writer who doubtless had his greatest work still before him.”

A brief personal acquaintance more than confirmed the high estimate formed of him from his books.

tially universal, and yet has no content. Its aim is to have only its fully realized self as content, and thus be free. To reach this, however, it must descend into the realm of particularities, — into particular will, willing something. The movement is from within outward; but the movement, even through the satisfaction of instinctive needs and greeds, is from the pure self-reference of the individual as universal. It is still abstract, formal, internal. Such a single will Hegel denominates a *person* in the most abstract, formal sense of the term. It is the *first* stage of the realization of such formal personality that Hegel treats in his *Part First*.

#### *Abstract Right.*

To be a *person* is, in one sense, the highest within human capacity. But, as used here, the term refers to a mere individual will maintaining its single right as universal. It is the rude, uncultured man, stubbornly sticking for his willfulness, while the true person has an eye for all sides and relations of a complex social life. Such a will demands full sway for itself without having as yet conscientious aims or convictions. It is the right of such a person to cast his will over every external thing, making it his own. Confronted with other such wills, however, the formula of abstract rights is "be a person and respect others as persons." Hegel warns us against putting into this formula all that it would imply in an ethical, social state. Nothing like humaneness is yet present. In such respect for others the person only cares for himself. Such a "person" is nowhere to be found. But the conception necessarily results from, and is the first phase of, the abstract concept of will. Such a potential, universal will, however, cannot remain utterly abstract. It finds itself confronted by a world of external nature. The alternative comes to succumb to this, or to rise and conquer it and so to be free. *Alles ist Ich*. The world is by right



its oyster. It actualizes itself only by making the world to be really its oyster. Abstract will asserts itself against its environment, lays its hand upon its rights. It thus achieves objective existence and takes the first step towards actualization. Things are soul-less, will-less, and the "person" has the right to subject them all to his will, to put his will into them, and thus achieve their true destiny.

Here appears the distinction between persons and things. Things are rightfully a part or *property* of the person, and become such through his act. Will is thus objectified in property, and things cease to be mere things, and become properties of the will through seizure, use and alienation. Property is thus something rational, necessary and sacred. First, the body of the person is thus made a possession or property. Both body and soul (life) are taken possession of, the will making them its instruments.

Hence, too, the sacredness of "person" or of one's body and life. The will being thus placed in them secures them from slavery. Slavery can come only where one will not maintain the rights of person and property to the death. It depends upon each person's will, whether he will be a slave or not. If he prefers mere continuance of existence to independence, he becomes the slave of the first person who can make him his property. Slavery, in primitive times, is rather a wrong suffered or chosen than a wrong done. I put my will in a thing, and make it an attribute or property of myself. This involves the further rights of using, consuming and alienating possessions. Will changes things into properties. Thus the relation between things becomes the relation between wills. Persons are related to each other through their properties. They can hold property only as they also respect each other's property.

This is the sphere of *contract*. Property here comes to be held through the will of others as well as through one's own will. Instead of one abstract will, we have several

partially realized wills. The consent of other wills strengthens my property-rights. In this *common* will of contract the abstract will of the mere individual or "person" attains its first stage of concrete universality. It is mediated by the will of some others.

But such a common will is still far from being that of the universal will of society. Its elements are accidental and particular, and can give no guarantee of fulfilment. Fraud, violence and crime are inevitable. In "crime" will violates itself: that is, violates itself as explicitly *common* will and as implicitly universal will. The formal common will of contract, considered as yet abstracted from the concrete universal will of ethical society, is sure to be violated. Penalty follows this negation as the next step forward toward true rights and the objectification of the universal will. Contract is a step forward, crime a step backward, and penalty another advance in the relation of the particular will to universal will, or in the self-realization of will as the science of ethics. Penalty is the negation of the negation (crime), or a reaffirmation of the universal. The criminal really commits the crime against himself as potentially universal will.

Punishment springs from the conception of true will and of justice. In the very will of the criminal lies the universal which is to complete his crime in the penalty. This is an act of justice to the criminal himself as well as to the common will. Punishment really honors the criminal — treats him as a person, according to his universal element rather than as a will-less thing. Theories of punishment on the ground of the reformation or terrorization of the criminal, or of the protection of society, do not duly respect the manhood of the criminal. Punishment is only justice to the criminal himself. The universal in him cries out, Give me my due, let justice be done by having penalty complete my crime. Penalty is but the reaction upon the criminal of his own

negative act. It is equally the act of his own will; it is his own right. But in this as yet unorganized and unethical condition, where there is no valid universal will of society to mediate between crime and penalty, we find punishment in the form of revenge, mob-law and Judge Lynch. The *common* will of the abstract *contract* stage becomes again a state of nature, an aggregate of at best only semi-civilized Ishmaelites. Here retaliation becomes endless. Family-feuds to the death in the sphere of organized society is but a relapse to such barbarism.

True punishment is impossible without the mediation of a true universal or ethical will of society. This demand brings the judge, who is to be the disinterested representative of the true will of man. As legal judge he is to have no private views or feelings. He is simply to wrong the wronger till he renders right. But as dispenser of *retributive* justice, the judge appeals beyond the letter of the law to an inward forum, to the universal will, and renders decisions that must commend themselves to the conscience of both criminal and society.

Property, contract and punishment are alike seen to be impossible without the presence and mediation of a relatively universalized or ethical will. Death or slavery can be the only logical issue to abstract will seeking its abstract rights. With no other elements at work, such a state of nature could never give rise to the institution of the State. Some judge more just and universal must be found. The demand is for a particular will which can at the same time will the universal or the "infinite subjectivity of freedom." Such a will must reflect upon itself, retire from mere objectivity to the internal forum. This forum is that of Conscience. Here all externalities are reflected and transformed into ideal principles of right and wrong as regards all human actions. This phase Hegel calls that of

*Morality (Moralität) or Abstract Duty.*

In this sphere we have to do with man as a subjective being rather than a merely formal "person." Here personality becomes inwardly reflected, exists for itself, and thus of infinite worth. Here "person" becomes more personal — becomes a "*subject*," who is absolutely beyond any power, which may commit violence against his objectified will and person. Here, within, the will is absolutely its own lord and master. The stand-point now is the right of the subjective will. At first, however, this merely subjective will is abstract, formal and limited. Hegel shows the process from the most abstract form of this subjectivity through the phases of (a) *purpose and responsibility*, (b) *intention and welfare* to (c) *the good and conscience*, where abstract right is translated into duty and virtue or good-will.

First, it is held that responsibility is only commensurate with knowledge. Next, the quality of the will depends upon the "intention" and its objective results, which are never restricted to particular selfish ends. They must (thirdly) be judged according to their universal worth. Hence "the good" as the reconciliation of the particular subjective will with the universal will, or with the rational.

The ideal here, in this third phase, is that of duty for duty's sake. The duty, however, is yet abstract. No content can be furnished by itself. The universal element is merely formal, unspecified as to content, giving no answer as to *what* one's duty is in any situation, except the grandiloquent one of "do right though the heavens fall." An objective system of principles and duties, and the union of the subjective knowledge with them, is plainly impossible on this standpoint.

Hegel, here and elsewhere, makes, as we have said, trenchant criticism of Kant's doctrine of duty. This formal law divorces duty from all interest or desire—a psychological impossibility. It takes no cognizance of

the concrete situation and can suggest no present duty. It cannot discriminate between particular actions so as to call one of them a duty. Finally, it must equally universalize *all* particular actions, and thus bring about confusion and collisions. Only in view of the institution of property in the State can it say, "Thou shalt not steal." In the abstract form of Kant it must equally say, "Thou shalt steal." That is, if we abstract all social relations, which *ex hypothesi* Kant does, we can universalize any particular rule without contradiction. In the realm of the concrete morality of social life, however, we cannot do this.

What will be the result of such an abstract subjective conception of duty? Plainly the individual must become the law-giver and the judge of what is absolute good. ~~He must trust to his own private judgment without the mediation of existing codes of society.~~ He must give a purely subjective individual determination of the content of the lofty but formal universal. The individual becomes the measure of the moral quality of objective actions. There is no public source and standard for the guidance of private judgment.

Hegel does not neglect the important function of the duty of private judgment, but is here only showing its capriciousness when taken out of the concrete relations of an ethical world. Antinomianism is a logical and historical outcome of such abstract private judgment, which runs riot and plays the tyrant for lack of an objective concrete social system of duties. It is the making of self a statesman to represent a concrete state that *ex hypothesi* does not yet exist. The eccentric is made the normal, the crooked the straight. This elevation of the capricious individual subjective judgment to be the measure and definition of the universal finally results in *the evil*. "The highest summit of subjectivity asserting itself as the absolute is the bad" (*das Böse*.) It is at this abstract standpoint of the natural (unethicized) will that he finds the origin of moral evil.

While thus criticising this standpoint, Hegel does not fail to render homage to Kant for having brought out the significance of duty. But he shows how this standing upon one's own subjective insight and will eventuates in the morally evil—in that which, being private and particular, asserts itself as the universal—the sin of the creature Satan usurping the throne of God. Here enters antinomianism in all its forms. One's own likings are liable to become the norm of conduct. A clergyman urging a man to do a certain duty was met with the reply, "My conscience forbids me to do it." In reply as to how his conscience told him this he said, that he felt something thumping in his breast saying "*I won't, I won't.*" Such a merely subjective norm dissolves all fixed and definite laws of order and right.

Hegel says that he is not here treating of the religious conscience, and also allows that in certain rotten stages of society, as in the times of Socrates and the Stoics, this concept of private judgment has its place and worth in the work of reformation. But the subjective conscience which dissolves all external forms of duty and retires within to its own little Sinai is likely to make it a Mount Moriah, for the sacrifice of the tenderest of human ties.

If subjective conviction, unenlightened by traditional and current codes and institutions, insists upon its private views as absolute, we have the destruction of all morality. The highest summit of evil is extreme subjectivity asserting itself as the absolute, the good—God, changing good into evil and calling it good. Here delusion has equal right with sound sense, and reason no longer has any right.

Hence we see that conscience at this stage cannot be true or good conscience. This abstraction in turn demands as its correlate that which it was called out to correct, — *i. e.*, abstract personal right. In fact, these two abstractions must *be integrated* into the concrete ethical substance from which

they have really been abstracted. We are only advancing, prodigal-like, to the real home of morality, from which we have violently torn ourselves away. We thus reach *the ethical (sittliche) world*.

III. In this world of ethical (*sittliche*) relations of the family, civil society, the state, and humanity, the idea of freedom is realized as a "living good that is powerful enough to actualize itself" (§ 142). Here abstract rights become ethical and authorized rights, and abstract duty becomes specific and full of content. Private judgment becomes *relatively* universalized, and the lofty, cold, and colorless imperative becomes *relatively* incarnated in the hearts of a brotherhood of men.

In his *Phänomenologie des Geistes* Hegel traces with a larger and freer hand the dialectic of previous stages, under the rubrics of "self-consciousness" and "reason," and uses that of "spirit" to designate what he, in the *Philosophie des Geistes*, calls realized morality (*Sittlichkeit*). He there uses the term "spirit" as equivalent to the corporate, social "self-consciousness" and "reason," which has had the power to create the ethical world, into various grades of which each individual is born, and through which he takes form and content in the work of self-realization, or of becoming a "person" in the truer sense of the term. The laws of this world are his own laws. He must fulfil them to realize himself. He finds them existing for him, as the reason and law of his own specific nature as man.

In fact, man is by nature a social animal. He is only real as he is social. To be himself he must be more than his own abstract self; to live his own life he must live the life of the body corporate. On one hand, these laws of society appear with even more authority than the laws of nature. On the other hand, they are not foreign to him, but yield to him the testimony of the spirit that they are

*his own*.<sup>1</sup> In accepting them he is not doing despite to his own individuality, but is accepting the essential conditions of its preservation and development. The individuality of a man who, from infancy, should sever all relations to his fellow-men and grow up "naturally" would be an idiot, — even lower than the animals with which he might consort.

Society is really creative of individuality. The enlightenment and regulation of the subjective conscience by the laws and duties of one's station clothes its nakedness with the garments of truth and beauty. The largest altruism demanded by them is, essentially, the largest possible egoism. Through it the individual elevates himself from capricious lawlessness into substantial freedom and personality. Living for others is the highest form of living for self.

Hegel also uses the term *substance* to characterize the ethical tissue into which man is born. The moral disposition of the individual consists in his recognition of this substance as *his own*.<sup>2</sup>

Virtue he defines as ethical personality (*sittliche Persönlichkeit*), or the life of the individual permeated and transformed by the ethical substance. Here duties and rights first exist, and that only through reciprocal relation. Here the natural man is gradually converted into the ethical man. This ethical substance is an immanent and determining principle of action which permeates and transforms the natural man, — acts as a moulding power through the family, and the social, civil, religious, educational, and political organizations. These various institutions of society are the realized objective form of the ethical substance, in the fruition of its own being.<sup>3</sup>

<sup>1</sup> *Philosophie des Rechts*, §§ 146, 147.

<sup>2</sup> *Philosophie des Geistes*, § 515.

<sup>3</sup> Professor F. H. Bradley has, I believe, given a thoroughly unique exposition of Hegel's dialectic through these phases of morality, in his



Hegel notes three phases of this ethical world, —

(1) The family as the primitive form of this ethical spirit.

(2) Civil society, which results from the separation of the members of families and their being reunited again in more external form for the security of person and property, in a realm of merely formal universality.

(3) The State, or the invisible spirit of the nation, developed to an organic reality in the hearts and customs and genius of its people.

1. The individual first comes to himself in the family, whose active principle is love, which transcends and includes its members in its unity. The family is the first or instinctive realization of the ethical spirit. It exists not by contract but by the grace of God. The union of love and trust in this circle forms its organizing and controlling principle, so that in it the individual members find a measurable fulfilment of their own capacities. The family, too, is a process involving, —

(a) Marriage ;

(b) Family property ;

(c) The education of children to maturity, and the separation of its members.

(a) Marriage is a transformed physical union of male and female. The animal phase is transfigured by love into a spiritual one. Marriage implies the free consent of the two persons to constitute henceforth one person, to submit to limitations in order to gain fuller self-realization. The husband is more of a man than the bachelor. Hence it is an ethical duty of mankind to enter into and maintain the marriage relation. The marriage bond is essentially a spiritual relation, in which individuals subjugate their private aims

*Ethical Studies*, which, however, is unfortunately of avail only to the few who happen to possess a copy of this "out of print" book. Many would gladly buy, borrow, or even steal this desirable volume. I never succeeded in more than stealing a hasty reading of it. It ought to be reprinted.

and wishes to the law of, at least, a dual life, love, and good. Hence marriage, too, is more than a contract. For contract implies that the parties still retain their external independence. Hegel says that Kant's subsumption of marriage under contract "is scandalous." Marriage is rather the contract of a man and woman to pass, as husband and wife, out of and above the sphere of contract. In marriage the twain are to become one flesh, one heart, one mind, one person. Hence the marriage ceremony should be one of social and religious celebration. The cold formalism of mere civil contract before a justice of the peace is utterly inadequate to manifest and declare such a spiritual relation. Marriage is of both ethical and intellectual influence upon the parties. They have larger views of life and a common good as their aim. Marriage, too, is essentially monogamic. This is one of the absolute principles on which the ethical character of a social state rests. Marriage between blood-relations is also unethical. The family, as a single personality, has its external reality in its family property.

(b) It is of the essence of family property that it be *common* property. This gives property an ethical value which we could not find for it under the category of "abstract right." The thought of a common good animates all in the acquisition and maintenance of family possessions, thus relatively overcoming the "miserable aims that end with self."

(c) The education of children to maturity.

Children complete the family circle. In and through them the unity of married love comes to external manifestation. In loving the offspring of their love, the parents love each other anew. The rights and duties of parents and children spring out of the common good of the family. Confidence and obedience are educed in the children, that they may grow up in love in the family *ethos*. The slave-like relation of children to parents among the Romans was of the most disastrous influence. The modern world recognizes

that children are, potentially, free spiritual beings, whom the family is to train for citizenship in a larger ethical sphere. Families multiply, parents die, and children grow up, and we have a multitude of separate persons again, though of more concrete and ethical content than under the category of "abstract right." Here the elements of individualism and independence appear again, in higher form, with differing and conflicting interests. The first phase of a return to a higher ethical unity is in the form of

2. Civil society, or the realm of armed peace among now semi-tutored Ishmaelites, bound together, through their wants, by contract, for defence against each other. Hegel declines to name this other than "the state on its external side," or government. In this realm of "particularity," or, as he elsewhere calls it, "system of atomism of self-interest,"<sup>1</sup> each private atomistic person makes himself an end and uses everything else as a means. Law, the abstract universal element, is here only a mechanical means to prevent internecine warfare. It is a task-master to be eluded by every means, and yet serves the pedagogic purpose of disciplining caprice into formal unity. Absolute individualism would be civil anarchy. The individual must contract to limit himself by some outward form of universality, in order to exist. Through this he learns that his own good can only come through the good of all, and comes to recognize that the concrete state is the good and true for him on earth, without the immanent life of which in civil society government could not exist. But to reach this recognition of a common corporate good as each one's own good, civil society passes through three phases.

(a) The system of wants, including labor, wealth, and classes of society.

(b) The administration of justice, including legal rights, public laws, and courts of justice.

<sup>1</sup> *Philosophie des Geistes*, § 523.

(c) The sphere of police regulation, in its broadest sense, and that of incorporated companies under legal sanction.

Hegel gives an elaborate treatment of these phases, continuously demonstrating that each one presupposes and actually rests upon the larger ethical organization of man in the Nation, or the spiritual State. Through the maintenance of the sanctity of marriage, and of honor in corporations, civil society passes over into the Nation, in which all the previous abstract phases are taken up as organic elements.

### 3. The Nation or the invisible State.

Hegel's lofty and profound conception of the State, as the highest realization of the will in its substantial freedom, is, happily, too well known to need lengthy exposition. Dr. Mulford thoroughly assimilated, appreciated, and Americanized this conception of "The Nation" as "a moral organism" and "a moral personality," rooted in human nature, which is rooted in the Divine nature, and of Divine origin and sanction; the sphere for the "institution" and the "realization of rights and of freedom"; "sovereign" and representative of the individual, the family, society, civil rights, and the commonwealth; immanent in and vitalizing all these spheres; "a temple whose building is of living stones," a body, in and through which alone individuals can get the form and content of personality; "the work of God in history, realizing the moral order of the world"; "fulfilling humanity in God"; "the beginning and the goal of history"; "having an immortal life," and "its consummation in the perfected kingdom of the Christ."

With Hegel, the State is the ethical concept, actualized in progressively more adequate form, the moral life of humanity throbbing through and integrating all the activity of its individuals.

"The State is the self-conscious ethical (*sittliche*) substance, the union of the principle of the family and of civil

society. In the family **this** principle exists as the feeling of love. This *immediate*, but essential **principle**, however, receives the form of self-conscious universality through the second principle, which contains the elements of knowledge and will, or thinking will. Thus the State appears, having for its content and absolute aim intelligent subjectivity, developed into rationality."<sup>1</sup> The State is the actuality of the substantial will, the vital union of the particular interest of its members with the relatively universal aims of man as man.

Neither the family nor civil society is commensurate with such realization of individuals, though in both of these spheres a beginning is made from single to universal aims. This larger — the largest earthly — sphere takes up and fulfils all narrower ones. The State is universal or public reason, existing unreflectingly in the genius or spirit of its people, and objectively in its customs and institutions.

Membership in this moral organism is the highest duty. It is the ethical substance in which alone one can be himself. All that he says about the State can be questioned only by confounding it, as many modern theorists do, with "civil society" as the mechanical expedient for the security of private rights and liberty. Herbert Spencer's conception is, essentially, only a more developed form of that of *The Leviathan* of Hobbes. Rousseau's *volonté générale* also lacked corporate sovereignty, because it represented only an abstraction and contract of particular wills, as a means.

The corporate will, however, is the primal essential element in Hegel's conception of the State. It is the true end of man on earth, an end that realizes itself in and through its self-conscious members. The concept of the State is itself a process, having (a) immediate actuality in the particular state, — an independent organism, with its own constitution or *internal polity* (*Staatsrecht*); passing

<sup>1</sup> *Philosophie des Geistes*, § 535.

(*b*) into the relation of one State to other States, — *external* polity; and finally (*c*) appearing as the universal or generic concept, as lord over particular States. It is thus the fullest earthly manifestation of man as spirit, actualizing itself in the process of universal history.

(*a*) Internal polity.

The State, as actualized concrete freedom, not only permits, but creates and contains, as vital members, individual personalities. "The prodigious strength and depth of modern States springs from their giving the principle of subjectivity, or private personality, the most extreme and independent development, while at the same time reducing this element into substantial unity with, and making it a means for, the realization of their own generic end."

The principle of the worth of the individual, he says, "marks the turning-point in the distinction of modern and ancient times. Christianity first emphasized this principle and made it the vital principle of a new form of the world." Hence he must never be understood as slighting this element in his larger doctrine of the State, though this appears to approach very nearly the ancient doctrine, which swamped the individual in the State. It is only the inane perversion of this Christian principle of subjectivity that he criticises.

Though the State may appear as an external power, it is really but the rational expression of the corporate will of individuals. In the State, rights and duties are in reciprocal relation. "This union of duty and right is one of the most important notes of the State and the inner ground of its strength. The individual in accomplishing his duty finds self-satisfaction. From his relation to the State there springs a right, so that the public affair becomes his own affair." Through the disposition and *ethos* of its people, mere government is changed to ethical and substantial self-government, and is thus the actualization of concrete freedom. The universal element in the laws and institution of the State

are simply the reflexive expression of the ethical spirit of its people. "They are the reason of the Nation, developed and actualized in particular forms, and thus the steadfast basis of the State and of the genial confidence of its citizens."

"The *guarantee* of a constitution — *i. e.* the necessity that the laws be reasonable and their realization secured — lies in the spirit of the people as a whole, — that is, in their definite self-consciousness of its reason (religion being this consciousness in its absolute substantiality), and also in the real organization, conformable to it as a development of that principle. The constitution presupposes this consciousness of the national spirit, as this spirit presupposes the constitution. For the actual spirit has the definite consciousness of its principles only so far as they are present to it as existing" (*Philosophie des Geistes*, § 540). The people make their own constitution.

But religion forms a most important factor in the spirit of a people. Hegel says frankly that religion is the foundation of the State, which "is the Divine will unfolding itself in the actual organization of a people." Religion has the absolute truth for its content, creating the most powerful and lofty temper of a people, and thus affording the highest approbation and sovereignty to the laws of the State. But when religion degenerates into fanaticism, and tries to make the State a church-state, it needs to be curbed. Thus church organizations, like other societies, are subordinate to the State. Still, the religious sentiment of a people is so controlling, that it is only "a folly of modern times to alter a system of corrupt morality and laws without a change in religion, to attempt a *political revolution* without a *religious reformation*."

The religious faith should be left free, because the sphere of religion is higher than that of politics. Its peculiar task is the fostering of lofty ideals and the cultivation of the conscience. But when religion takes the

form of separate organizations within the State, dissenting from its social and ethical regulations, it must be subordinated to the ethical supervision of the State. These cannot be permitted to foster opinions absolutely alien, or opposed to, the constitution, as expressing the corporate genius of its people, or to treat the State as a soulless, Godless mechanism, instead of an ethical expression of the freedom of God's children.

Modern States base their constitutions on the principle of freedom. Want of freedom in religion, or an unethical conception of God, will be found hostile to such constitutions. Hence Hegel gave the political preference to Protestantism, because it inculcates that freedom of thought and of conscience which harmonizes with the principle of free political life.

Hegel was accused of deifying the State, because he saw in it more than a police mechanism, a military bureaucracy, tyrannizing its citizens. He saw in it the life of the spirit of its people, realizing its destiny with vital freedom. He did not make it absolute, as he recognized no finality in any secular institutions, and proclaimed the spheres of art, religion, and science (in its broadest sense) as higher than that of politics, for the free cultivation of which the State should be most solicitous.

He held that the possession of a religious disposition by its people was most essential to the welfare of a State, springing from and exalting them, as it does, into direct relation with God. The real substance of morality and the State is religion. They rest upon the religious disposition of its people. It is fatal to both religion and the State to foster two kinds of conscience. The State must see to it that religion is fostered. The Divine Spirit must immanently permeate the whole sphere of the secular, "Principles of lawful freedom can only be abstract and superficial, and the State institutions derived



from them must of themselves be untenable if the wisdom which gave birth to those principles understands religion so poorly as not to recognize that they have their final and highest guarantee in the religious consciousness."

Hegel thus would have the customary, the current habits, laws and institutions of a State, vitalized and conserved by the moral and religious disposition of its people. To recur again<sup>1</sup> to the significance of his term ethical (*sittlich*), we may reaffirm that it means far more than the mere observance of conventional customs. It is rather the vital union of *ēthos* and *πάθος*. The pathos, as active emotion, has externalized itself in customs and institutions, but does not therefore cease to act. It continues to be the active element in the observance of its own customs. This ethical world includes the national manners, customs, laws, and institutions in which the freedom and rationality of the communal spirit has embodied itself. Family, state, school, church, social, scientific, and literary circles are all manifestations of this free spirit of man in its struggle for self-realization. They are the forms of substantial freedom which exist, in some degree, in the lowest form of society. They are conventionally recognized forms of "the good," which alone enable one to specify the categorical imperative. They are more: they are the self-specifications of the communal spirit seeking to be good,—the outcome of the *Moralität* of the social soul,—the good or moral manners springing from its relative rationality and freedom. Conscience has had some might, and has, to some extent, formed and ruled the ethical world. It has had might enough to form decalogues in all the circles of social activity. The community has an insight or conviction, and organizes it into a law or an institution, and thus makes its free spirit substantial. The ethical will of any people is thus relatively self-realized. It thus enacts itself and specifies what its "common good"

<sup>1</sup> Cf. pp. 11-13.

consists in. The individual, asking what good he must do, finds here his first definite answer. He is not put to the impossible task of framing a morality for himself, but is born into the obligation of entering into, sustaining, and furthering the moral world into which he is born as a member. His private judgment must thus be based upon a public source and standard. Hence Hegel says, "The striving for a morality of one's own is futile, and by its very nature impossible of attainment ; in regard to morality, the saying of the wisest man of antiquity is the only true one, — to be moral is to live in accordance with the moral traditions of one's country."<sup>1</sup> The Indian of any tribe is a more moral man for being a loyal tribal man than he would be if he ignored all tribal and domestic relations. No absolutely bad (*sittenlos*) man can exist. Such isolation would be instantaneous suicide. Homer thus ridiculed the idea of such a being or thing :

"No tribe, nor state, nor home hath he."

Even the babe in his cradle and Simon on his pillar and Crusoe on his island have their substantial worth through past or present relation to a social tissue. No one, any more than Hamlet, creates his own duties. Every one is born into an objective, ethical world. His only task is to realize himself by fulfilling these objective duties of his station. But does this not land us in a Chinese state of immobile conservatism? Does this not imply that the customary is the ultimate, that the existing *status* of our ethical circle is identical with the ideal, or the "is" with the "ought to be"? Certainly this is not the doctrine of Hegel as to the progressive consciousness and realization of freedom. Loyalty to conventional morality is only a prerequisite to reflective conscientiousness, which asks and strives after better forms of social self-realization. Hegel recognizes no finality in temporal institutions. He sets or

<sup>1</sup> Hegel's *Werke*, vol. i. p. 400.

sees the negative dialectic always and everywhere at work criticising, overturning, and reforming the ethical world in its progress into the absolute spirit,—the realm of art, religion, and philosophy, in which alone complete self-realization is possible to the human spirit. Here Hegel's doctrine of the development of "the moral Ideal" is in place. This has been thoroughly worked out for the individual in Green's *Prolegomena to Ethics*, and for the race in Hegel's *Philosophy of History*. For the individual, in the lowest stage of his social (and actual) life, there is a *common* good already realized, into whose inheritance he enters. Loyalty to this fosters conscientiousness which leads to reform. Progress, while an advance upon the customary morality, is not a product of mere private conscience, but is the outgrowth of the ideal embodied in the conventional forms, which come to be more and more fulfilled in higher forms and richer content.

Finality means sterility in morals as well as in all other spheres. Hegel gives ample recognition of this element of conscientiousness, or the principle of subjective freedom, announced first by Socrates and given its infinite worth by Christ, so as to be really creative of the modern ethical world in distinction from that of the ancient, which mechanically subjugated the individual to the tyranny of his social environment. His ethical world absorbs and demands the constant activity of this element of conscientiousness, as the necessary dynamic in the progress of social man into the consciousness and realization of freedom. In the course of its activity it passes through many phases, rational and irrational. He shows the course of its own dialectic in his *Phänomenologie des Geistes*, of which Dr. Harris has given an excellent expository *résumé* in his *Hegel's Logic*.

Any single State, however, like an isolated man, is imperfect and incomplete. Its realization demands neighborly,

social relations with and recognition by other States. International comity is a high ethical form, but is always limited by the national spirit of the various States. The will of man is not fully realized in any one State or federation of States. Hence we must turn to Universal History, to see the fullest and most specialized forms of its development. The world-spirit, as the most concrete expression of universal human will, comes to view through the dialectic of the various national spirits in Universal History. This world-spirit appears in the world-history as the judgment of the world—the verdict of this spirit upon the validity of what is contributed by each nation.

In his *Philosophy of History*, he shows how the successive ethical institutions and ideals are developed for man universal through nations as individuals. In the progress of man into the consciousness and realization of substantial freedom, the drama of self-education under divine teaching proceeds by fixed steps. The Oriental nations knew that *one* — the despot — was free. In Greece and Rome individualities are developed, and *some* become conscious of their freedom. Finally, with the Germanic world, under the inspiration of a reformed Christianity, maturity is reached, and it is known that *all* men (man as man) are free. Throughout this drama of history there is, however, the guiding hand of Providence. Nations may fret and toil and advance, rise, ripen, and rot, but the drama continues its teleological progress towards the attainment of the spiritual freedom of man in conscious God-sonship, because of the immanent Providence who always rules and transcends all the acts of the drama. Hegel sees one increasing purpose run through the ages because he sees God in history. Man proposes and God disposes, making even the wrath of man to praise him. His guidance is not arbitrary or artificial, but remains the unchanging condition of all human endeavor at self-realization.

The visible result, the progressive realization of freedom by man, affords the "true theodicy, the justification of God in history." Such is the triumphant conclusion of his *Philosophy of History*.

And this affords us an answer to a question that forces itself upon us in studying Hegel's ethics. Does he carry ethics up into the sphere of absolute spirit as he does art, religion, and philosophy; or does he leave them below in the objective world? Are they merely "secular ethics," or does he give a metaphysic of ethics which enswathes, permeates, and elevates them to the sphere of absolute spirit? We answer no and yes.

*No!* He did not formally treat of the science of absolute ethics (*Sittlichkeit*). He did not formally develop the science of the metaphysic of ethics. He did not formally carry it over into the realm of absolute spirit along with art, religion, and philosophy. But neither did he ever proclaim any form of ethical life as ultimate. No State ever exhausted the ethical capacity of man. Universal history, too, is seen to be an ever-tending and never-ending process towards the perfection of man. To know and to be himself, is the constant endeavor of man that Hegel traces in his *Philosophy of History*. But note that it is never man apart from God, that makes any progress. The all-animating cause of progress is the immanent divine spirit, and every step forward is really possible only through this Divine metaphysic of the all knowing and doing.

*Yes!* Hegel throughout all his works is laboring to bring this Divine metaphysics to men's conscious recognition, in which alone, he maintains, can men and States find their proper realization.

In speaking of the *Idealität* (the state of being reduced from independence to a factor or member) of ethics he says:<sup>1</sup> "*Idealität*, as such, must receive a pure absolute form, which

<sup>1</sup> Hegel's *Werke*, Band I., 400.

is to be intuited and revered as the God of the Nation. This, too, can only have its joyous activity in a *cult* or form of worship." Again, in speaking of the limits of *ethicality*, he says:<sup>1</sup> "It cannot flee for its fulfilment to the formlessness of cosmopolitanism, nor to the emptiness of the rights of humanity or of a republic of nations. The richest and most free individuality is only possible in relation to the *Absolute Idea*."

In his *Philosophie des Geistes*,<sup>2</sup> in speaking of this elevation of the moralized consciousness to the knowledge of God, he says that Kant's starting-point at least is most correct in so far as he considers faith in God as proceeding from the *Practical* Reason, as the true nature of God is active, working reason, *i. e.*, the self-determining and realizing concept itself — Freedom. . . . True religion and true religiosity proceed from ethicality. Through this alone is the Idea of God known as Free Spirit. It is vain to seek for true religion outside of ethicality."

It is needless to multiply quotations, for the latter part of Hegel's *Encyclopedia* treats of this relation to the Absolute Spirit under the rubrics of the *Beautiful*, the *Good* and the *True*, each of which he afterwards elaborated in separate treatises. God is the *alpha* and the *omega* of all human knowledge and experience. Ethics is the course of the realization of the potentially universal will of man. Realized to the fullest extent in secular relations, it still strives after its infinite ideal. No community or State affords its adequate realization. It runs up into the ideal humanity in God. The State as "the terrestrial God" and the World-Spirit are not yet the Spirit of the Universe, not yet God. The perpetual struggle of morality merges into the religion of at-one-ment with God. Here the process of self-realization is perfect through faith. Religion is essentially ethical — a self-realization of the infinite self. Reference may here

<sup>1</sup> Hegel's *Werke*, Band I., 422.

<sup>2</sup> § 552.

be made to Principal Caird's chapter on "The Religious Life,"<sup>1</sup> where he elaborates in a most beautiful way Hegel's profound conception as to the relation of morality and religion.

In his *Phänomenologie*, Hegel makes the transition from ethics to religion through the act of the forgiveness of the wicked. This negation of a negation is the mind's majestic act in ascending from the sphere of the finite and relative to its native home with Absolute Spirit. This is the sphere of religion, where all the discords and failures of the ethical sphere are transcended and transmuted by the spirit's union with God. Thus the ethical consciousness rests upon and is possible only through its relation of dependence upon religion as its own higher form.

Ethical man, in his most comprehensive and ripest earthly relations, is not a little god by himself. Self-realization is impossible even in the widest ethical (*sittliche*) institutions. Personality can only approximate realization in conscious relation with the Absolute Personality. Thus ethics, as the science of man, reaches its highest form in Christian ethics, — that is, in that form and spirit of life congruous with the Christian conception of man. "The measure of the stature of the fulness of Christ" is the norm of man's self-realization. The Christian "secularization of morals" means the realization of the kingdom of God on earth. Any lower view really dehumanizes man in abstracting him from all that is most essential and substantial. The new birth into Christ and his kingdom is the absolutely essential condition of a normal ethical life on earth. To live aright one must love aright, for what one loves he lives. Hence Christian *love* is the all-comprehensive activity, which is the condition of ethical life in the individual and society.

<sup>1</sup> An Introduction to the Philosophy of Religion, by John Caird, D.D., chap. IX.

In all ethical (*sittliche*) spheres man is *relatively* realizing himself under the "disposing" of God, however he himself may "propose." Thus we see Hegel finding a *relative* self-realization of man in the family, which is organic to a larger life in society. In the State the same process goes on, and transition is made to the larger life of self-realization in "universal history."

But universal history again is seen to manifest the inadequateness of attainment, and becomes organic to the perfect consummation of man in the discovery and adoption of the revealed will of God as the absolute standard of an ethical life, so that man becomes consciously a child of God and a co-worker with him. This insight attained, the process begins of living anew and aright in all the established ethical institutions, of imbuing the secular with the divine, of secularizing the divine, of the maintenance of the kingdom of God on earth through domestic, social, civil, political, and religious institutions.

The Christian banner is the final banner of free spirit, recognizing its own work in the so-called secular institutions which it creates and animates. All these Hegel declares to be "nothing else than religion manifesting itself in the relations of the actual world." "The Gospel in the Secular life" expresses, in brief, Hegel's ultimate conception of ethics. "The spirit finds the goal of its struggle, and its harmonization in that very sphere which it (as mediæval ecclesiasticism) made the object of its resistance; it finds that *secular pursuits are a spiritual occupation* (*Philosophy of History*, p. 369).

That which vitalizes and moralizes each one of these secular spheres, that which is their constant presupposition and life — their metaphysic — is the life of God in the mind and heart of social man, guiding, luring, and impelling him on to self-realization in the sustaining environment of spiritual, substantial freedom, — the republic of God. Thus Hegel



finds *ethics* to be not an abstract decalogue falling straight from heaven, but rather a slowly-worked-out process of the heavenly in the earthly sphere. It is the kingdom of God coming, and His universal will being done on earth as it is in heaven.

## IV.

*Key-words.*

German *Wörterbücher* are of very little service in translating Hegel. He uses even ordinary terms in an extraordinary or technical sense ; but he does this consistently. His terms are not only pregnant, but they also have thoroughly definite significance, and thus enable him to put his philosophy in dry scientific form. Hence it demands the sort of reading that one would give to Newton's *Principia* or Spinoza's *Ethica*.

The mastery of these key-words in English will greatly facilitate, indeed, is indispensable to the understanding of his thought. We therefore give the following list of them with the translations which we have quite uniformly followed in this volume :

*Abstrakt — Concret.* These two terms represent the beginning and the end of every *concept*, institution, or thing that Hegel treats of ; that is, he first treats it as abstracted from all connexion with environing context. But as viewed, it gradually demands and attains all its proper relations. It becomes a self-developed and self-developing process, assimilating all that it comes into relation with, and thus is concrete.

*An sich, für sich, and an und für sich* are, however, much more frequently used by Hegel to express somewhat the same states or phases of an object, concept, person, or institution. Any one of these is *an sich* when it is still in the germ, merely implicit or potential, latent or undeveloped ;

not only in germ, but also closed up in itself against all vital interconnexion with its context, and thus abstract. It becomes *für sich* when its germ is developed, when it becomes explicit and actual. But further it becomes *an und für sich* when its individuality has become completely universalized, or when its latent universality has been completely specified, and its relations to all its context realized through its *own* self-activity. It is thus the concrete, the absolute, the independent, through having absorbed all limits into self-characterizing properties.

*Besonderheit* (particularity) is an intermediate between *Allgemeinheit* (universality) and *Einzelheit* (individuality). The abstract, potential universal is more and more particularized, till self-specification is completed in the concrete individual.

*Aufheben-setzen*. — These two terms express the activity in this process from the abstract through the particular to the *concrete*. *Setzen* is to *posit*, particularize, specify, explicitly state the ideal elements in the *an sich* stage and thus to raise it to the *für sich* stage. But each one of the various specifications is in turn posited as absolute and final. Hence there could never be more than one made (*gesetzt*), posited, without the concomitant, or, rather, the following of the activity expressed by the term *aufheben*. This term, as Hegel tells us (*Logic*, § 96), has the double signification of “(1) to destroy or annul; (2) to retain or preserve.” Thus the Gospel abrogates, annuls the Law and yet fulfils it, retains it in transmuted form as an element (*moment*) of itself.

*Moment*. — Phase, element, factor of a whole. What has been specified as a *Besonderheit*, as *für sich* is *aufgehoben* to a *moment* or organic element of a larger unity. Its independence (*für sich*) is destroyed, and yet it is preserved as an integral element. Its isolated reality is annulled (*aufgehoben*) through its being preserved as a dynamic factor in a

more concrete unity. The *acid* and *base* are *aufgehoben* in the *salt*. Hegel also uses the term *Idealität* as opposed to *Realität* to express the same relation. *Realität* is the explicit, specified form — the *für sich* of *Particularität*. This is reduced to its *Idealität* or to being an *ideal* (*ideell*) *moment*, or dynamic factor.

*Begriff*. — I have used the term *concept* in place of *idea*, or of the barbarous term *notion*, as the best translation of *Begriff* — a gripping together, comprehension, concept (*con-cipio*). This is the key-word to Hegel. He uses it to express the concrete reality, the living process of passing from the *an sich* through the *für sich* to the *an und für sich*, through the successive negations of successively posited specifications. It embraces all the processes hitherto named. It is at once these processes and the result of them. "It is the power of substance in the fruition of its own being, and therefore that which is free. It forms a systematic whole, in which each of its elementary functions is the very total which the concept is, and posited as indissolubly one with it."<sup>1</sup> It is the fully developed unity of all previous abstract and partial forms. It is the truth of the thing in its utmost active self-realization. *Idee* (*Idea*) is Hegel's term for the Concept of Concepts, the ultimate, infinite, absolute self-activity, God, the process which produces Himself eternally. This, however, strictly falls without the subject matter of the present treatise, except in so far as all moral and ethical phases of man have their real ground in the *Idea*. This treatise is concerned with the development of the *concept* of the universal *human* will in secular relations.

*Bestimmung*. — There is no other word which, with its cognates, occurs so frequently in this treatise. I generally translate this word by determination, specification, or characterization. It is from *bestimmen* — to be-voice, to vocalize,

<sup>1</sup> *Logic*, § 160.

to audibly specify, to point out and thus determine or characterize its object. *Bestimmtheit* is the resulting definiteness or character. *Unbestimmtheit* is the state of lacking all definite, specific characterization.

*Dasein* I have generally translated as *determinate being*, sometimes by definite or positive existence.

*Wirklichkeit*, actuality. Hegel says (§ 82) "actuality is that which acts, works (*wirkt*) and preserves itself in its work or *other*, being realized rather than lost through such work."

*Unmittelbar*, that which is immediate or unmediated, referring to the way a thing presents itself to us directly, as "a shot out of a pistol." It corresponds to the *an sich* phase of the concept. The immediate is the undeveloped in its relation to us.

*Vermittelt*, that which is mediated; that which is known by means of relations and environment.

*Moralität-Sittlichkeit*. — As we have elsewhere given full exposition of these terms, we may here give their simple translation as *morality* (subjective) and *ethicality* (objective).

*Unendlich*. — That is infinite which has only itself for its object, that which is reflected back from externalities within itself, as a closed and self-sufficient process, — the infinite of the circle rather than of the line, the qualitative instead of the quantitative infinite.

The object of Hegel's *Rechtsphilosophie* is the exposition of the concept (*Begriff*) of the *will*, as *thought* in the process of translating itself into actuality or determinate being, its most specified and concrete form. He begins with the will as implicit (*an sich*), immediate (*unmittelbar*), and abstract (*abstrakt*), following it through all its posited (*gesetzte*) phases (*Momenta*) of particularity (*Besonderheit*) from undeveloped universality to its complete, concrete, and thoroughly mediated (*vermittelt*) form of the concept (*Begriff*), by successive determinations (*Bestimmungen*) and

forms of determinate being (*Dasein*), which are as successively abrogated and integrated (*aufgehoben*). These stages represent the various imperfect relations of particular will to universal will, the aim being to thoroughly particularize abstractly universal will, and thus exhibit it in its truth, *i. e.*, in its freedom.



# ABSTRACT

OF

## HEGEL'S INTRODUCTION.

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IN his *Preface* Hegel says that the object of a *Philosophy of Right* cannot be the discovery of rights and morals, as these are already age-old and well known, but only to win for them such rational form or system as may justify them to the free rational spirit. Philosophy's task is not to create but to *understand* existing reality. He sets aside the pretensions of the so-called rationalistic philosophy for the severer labor of showing how

"The rational is the real,  
And the real the rational."

The real is the Reason or the Divine mind, the creator of the world as its own progressive revelation. Hence the world throughout must be fundamentally rational. *The Philosophy of Right* is a comprehension and an exposition of this reality at the foundation of, and throbbing through, all forms of social and political institutions. Its task is not to go beyond these forms and construe an ideal morality and society, but to note the phases of rationality in existing forms and thus to reconcile us with reality. The rationalism which refuses to accept anything which it cannot reduce to the form of conceptions of the understanding has well been said to lead away from God. But genuine philosophy leads up through the immanent God to the transcendent God, whether it traces the Divine (*The Idea*) working in the forms of nature, of human thought, or in those of human institutions.

In his *Introduction* he says that such a science has to deal with the *Idea* of Rights, as well as with the *Concept* of Rights and its actualization into objective existence — in other words with the soul and body of ethical institutions as animated by the Divine Spirit. The soul is to be discovered in its own development of the body, being its first entelechy or its truth. Montesquieu rightly apprehended the various historical elements and positive forms of right as organic members of a totality or system (concept).

The real ground of all rights is the spiritual. The starting-point is the will that is free. Freedom is the very substance and character of will, bringing forth the spiritual world on earth. It is the fundamental characteristic of the will, just as weight is of matter.

The will is not a faculty diverse from thought. The will is rather a particular form of thought. It is thought translating itself into determinate being. The will is free. Without freedom it is an empty word. In its first or unmediated phase, the will is only formally free. Abstraction is made of the will from all definite form or content in order to reach this phase of pure indeterminateness of the will, where it can will one thing just as well as another, *e. g.*, to destroy as well as to create social and ethical institutions. The direct actualization of such formless freedom would be the *furies* of destruction. Another phase is that of the indeterminate will passing out into determinations. This is the limiting, negating phase of the abstractly infinite will of the first phase. But the genuine will is really the unity of both these phases. It is self-realized, self-filled. This will is thoroughly identical with its content. The will wills what it is. It is always and everywhere at home with itself — always its own object, everywhere fully developed and active.

The natural man, however, is such will only potentially, as the acorn is the oak. It is imbedded in all sorts of desires,



inclinations and wants. It appears as caprice and hence as irrational. One deems himself free when he can do as he likes, satisfy this or that desire or whim at will. But such caprice is seen to be suicidal to the whole mass of desires. There must be a system of them in which each one shall find its appropriate place. This occurs through reflexion, which brings forward the idea of *happiness*, as the *primary* form of the universal for the will. Still this is but a particular form, inadequate to the concept of the will. It is purified through the more universal, though the abstract conception of *duty*, and then returns to the concrete world to find itself in all its activity with both of these elements of happiness and duty.

Here we reach the most concrete form of the will that is free. It is self-characterizing in all its activity. It is thinking intelligence actualizing itself, recognizing as virtually its own deed the deeds of corporate humanity and so being self-determined even in its strictest obedience to current customs and authorities. In all his content the thinking man finds only his own substance. Such a rational, free will Hegel declares to be *infinite* and *absolute*, because it is always its *own* object, which is thus never an external limit. Chains of his prison house are his own chains. The self is conscious of itself as a whole system. Its consciousness of itself is a closed circle. It is everywhere reflected back upon itself instead of going further and further into the unknown. The will is thus truly infinite, as any circle may be said to be infinite, which cannot be said of any straight line, however far it be produced. Such a will willing only itself is thus infinite.

But even this true form of the will is primarily abstract and passes through various *stadia*. These various forms of self-determination in this activity of the will are what we term *rights*. Rights are something holy because they are the self-determinations of rational freedom. Every stage of the development of the free will has its corresponding rights.

Collisions can come only when these rights are all placed upon an equality, no allowance being made for progressive development, and thus for a system of rights in which one is higher than another, because belonging to a higher phase of the will's activity. Subjective conscience and objective codes are each a special form of rights, because each of them is a definite form of active, free will. They can come into collision only because they are both rights. The collision can only be solved in the whole system of actualized will. This is found in no one person. It is only the *world-spirit* that is universal and whose rights are ultimate, subordinating all other forms of right. We shall elsewhere note that even this unlimited will, this absolute, "terrestrial god" is not absolutely ultimate. It is only a relative absolute, the highest phase of the actualization of objective spirit, which points to and leads into the realm of the absolutely Absolute Spirit, into the higher forms of the spirit in the spheres of art, religion and philosophy, for its fruition. The *Philosophy of Right* seeks to trace the immanent dialectic of free will as it moves through the various forms, from the most abstract to the most concrete and ripest form. This dialectic is the very life of the spirit and thus something quite different from the negative form used by the Sophists and sometimes even by Plato. It is not the dialectic of mere subjective thought, but the spirit's own activity, organizing itself in definite forms. The progress of the dialectic is always from the abstract to the more concrete, from the seed, through trunk, branches and flower to the fruit-bearing tree. While the historical phases of man's progress into freedom afford abundant illustrations, its chronological order does not run *pari passu* with the *logical order*, which the dialectic or speculative method follows. This method alone can give scientific form to contingent historical phases, because it exhibits each phase as the expression of a particular form of the *concept* of freedom, and all as members of the organic *Idea* of absolute free will.

Starting with the most abstract form of the will, which he takes as ready to hand, he divides the whole work, as usual, into triadic form :

I. The unmediated form of the will asserting itself as person in external things—the sphere of abstract or formal rights.

II. The will reflected back from mere external things into itself as a closed infinite circle, or subjective individuality opposed to will objective in mere things. This gives the sphere of *Moralität*, or of conscience *contra mundum*.

III. The will as the unity of these two abstract phases, realizing itself at once in both objective and subjective right. This is the realm of *Sittlichkeit*, or the ethical world, as the concrete realization of man as will. This includes the sphere of (a) the family, (b) the civic community, (c) the State in the most concrete sense of the term—the organic unity of the individual wills of a whole nation. Ultimately, however, it is the federation of nations, or the universal history of humanity that gives us the realization of man as will in the most cosmopolitan sense of the term. Thus humanity's rights are the highest kind of rights.

This division proceeds upon the principle of the *Logic*, that the first form of anything is the unmediated, hence the most abstract and poorest form. It also seeks abundant historical illustrations, though a philosophical division of a subject follows the immanent dialectic of the *Idea* rather than that of external material.

“Subjective morality (*Moralität*) and ethical or objective morality (*Sittlichkeit*) which are ordinarily used as synonyms, are here used in essentially different senses. Kantian writers use by preference the term morality (*Moralität*) and the practical principle of this philosophy is entirely limited to this subjective side, rendering impossible and really negating the standpoint of ethics (*Sittlichkeit*) or objective morality. That these two terms have etymologically the

same significance does not prevent our using them for different conceptions."

The term "right" throughout this treatise is used in its widest sense, embracing subjective and objective morality as well as civil and humanitarian rights.

The first form of right is that of abstract objectivity, *i. e.*, property as belonging to a person. The negation of this standpoint is that of subjective morality, or the assertion of the worth of the subjective self. But this subjective conscience demands that it have objective might, as it has subjective right. It seeks to have its will done upon earth. But both these phases are abstract and find their truth in the standpoint of objective morality (*Sittlichkeit*). Its first form, however, that of the Family, is a natural state in which the individual has yielded up his rude personality and finds his true self in the larger self of the family. The next sphere, that of *civil society*, however, shows a loss of this immediate unity of affection. It is wrong to call this sphere the State, as its only bond of unity is that of reciprocal wants, of independent individuals. In the State proper we have the concretest form of objective morality, uniting independence and individuality with the universal substance. *Right* in the State is higher than in the family or in civil society. It is freedom in its most concrete form as realized in the universal history of humanity.

SELECTIONS

TRANSLATED FROM

Hegel's *Philosophie des Rechts*.



## TRANSLATION.

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### FIRST PART.

#### ABSTRACT RIGHT.

#### § 34.

THE absolutely free will, if we consider it according to its abstract *concept* (*Begriff*) is in its most undeveloped and unreal form—that of mere immediacy. Considered in this most imperfect form it is only abstract actuality (*i. e.*, mere potentiality) relating merely to itself and negative in regard to all reality. It exists thus in itself as *particular will* of a *subject*. According to the phase of *particularity* the will has a further content of definite aims. But, as excluding individuality, it has this content at the same time as an external and immediately present world that happens to be before it.

*Supplementary.*—When it is said that the absolutely free will, as it exists in its merely abstract *concept*, is in the form of *immediacy* it must be understood in the following way. The fully perfected *Idea* (*Idee*) of the will would be the condition in which the *concept* would have fully realized itself, and in which its determinate being (*Dasein*) would be nothing other than its own development. At first, however, the *concept* is abstract, containing all sorts of definite contents. But these contents are as yet merely potential and undeveloped. If I say “I am free” the “I” which is free, is simply this oppositionless potential being, whereas in morality there is actual opposition. On the one hand I am an individual will, and on the other is the good or the

universal even though it be in myself. Thus in morality the will already contains the distinctions of individuality and universality and is thus rendered definite. But primarily no such a distinction is present. For in the first abstract unity there is neither progress nor mediation. The will is thus simply in the form of immediacy, or of mere being (*Sein*). The essential insight to be reached here is that this lack of determinateness or characterization is itself a sort of determination of the will. For it consists in the lack, as yet, of any difference between the will and its content. But this, being opposed to characterization brings itself to the character of being a determined thing. This characterization is here simply that of abstract identity. The will becomes thereby individual will — the person.

### § 35.

The universality of this for itself free will is merely formal relation to its own self. This is indeed a self-conscious though contentless relation. The subject is thus far person. The conception of personality implies that I as person, perfect in every way (in subjective willfulness, instinct, desire as well as in respect to my merely external existence) am determined and finite, and yet that I am absolute relation to myself. Thus I know myself, in finite conditions, as infinite, universal and free.

Personality first begins here, in so far as the subject has not merely self-consciousness in the sense of conscious relation to external things but where he has consciousness of himself as perfect though abstract *ego*, which negates all concrete limitations and validity. Thus there is in personality the knowledge of self as object, but as a purely self-identical object raised through thought into simple infinitude. Individuals and peoples alike lack personality in so far as they have not yet attained to this pure thought and knowledge of self. . . .



*Supplementary.* — It is the merely *abstractly* independent will that we call person. In one sense it is rightly held that the highest destiny of man is that of being person. In spite of this, however, we sometimes use this term person in a despicable sense. Person, however, is essentially different from subject; for the term subject expresses only the potentiality of personality. In this way, we might speak of every kind of living beings as subjects. Person,<sup>1</sup> however, is the subject, for whom subjectivity is consciously a possession; for, as person, I am absolutely for myself. Person is the individuality of freedom in pure self-acquired being. As such a person, I know myself as free in myself, and can abstract myself from every condition and circumstance, as there is naught but pure personality before me; and yet I am, as such, an entirely determined form of being. I am so old, so large, in this place, etc. Personality is thus at once lofty and lowly. It contains the unity of the finite and the infinite, of the boundless and the definitely bounded. It is the very loftiness of personality that it can sustain this contradiction, which could neither contain nor endure anything purely natural.

### § 36.

(1) Personality, in general, contains the capacity of rights, and constitutes the concept and the abstract foundation of merely formal right. Hence, the precept of merely abstract right is this: Be a person, and respect others as persons.

### § 37.

(2) Particularity of will is indeed a phase of total consciousness of will; but it is not yet explicitly present in abstract personality as such. It is present only as different from personality, the characteristic of freedom; it is present

<sup>1</sup> Compare with this Hegel's use of the term "Subject" in the higher sense, in § 105.

only as desire, need, instinct, accidental liking, etc. Thus, in formal rights, there is no question concerning particular interests, — one's own gains or welfare, nor concerning the particular ground or motive of one's will, nor concerning insight and intention.

*Supplement.* — The element of particularity not yet being present in the person in the form of freedom, we have, at this stage, no concern with anything relating to it. Where the person has no other interests than his formal rights, he is likely to make these a matter of caprice, especially if he be of narrow mind and heart. It is chiefly the rough, uncultivated man who stands for his rights, while the magnanimous man considers the many different interests involved along with his own. Thus, abstract right is at first merely potential, and thus quite formal in regard to the whole circle of interests involved. Therefore, the legal right affords a warrant, which, however, it is not necessary for a cultured man to pursue, because it represents only one side of the whole context; for potentiality is the sort of being which has also the significance of not being.

### § 38.

In relation to the concrete activity of moral and ethical (*sittlich*) relations, we may say that abstract right is only a potentiality, and legal right thus only a permission or warrant. The necessity of this sort of right limits itself, by reason of its abstractness, to the negative form of preserving personality and all its results from injury. Hence, there are only legal prohibitions. Even the positive form of legal injunctions has only prohibition at its basis.

### § 39.

(3) The specific and immediate individuality of the person is related to a world of nature, over against which the personality of the will stands as something subjective.

But the limitation of subjectivity to this personality as something universal and infinite, is something quite contradictory and futile. Personality is itself the activity which abrogates this contradiction and gives itself reality, or what is the same, posits that world of nature as being its own.

### § 40.

Rights are primarily, the immediate form of determinate being which freedom proposes to itself : —

(a) *Possession* or *Property*. Freedom is here that of abstract will as such, or of a single individual as a self-relating personality.

(b) The person distinguishing himself from himself, relates himself to another person, both having definite existence for each other, only so far as they both are owners of property. There is here an implicit identity which gains definite form through the transference of the property of one to the other. This involves a common will and the maintenance of rights. This is the sphere of *Contract*.

(c) The will in relation to itself, rather than as distinguished from another one, contains the relation of particular will as opposed to itself as absolute or universal will. This is the sphere of *Wrong* and *Crime*.

. . . Here it is evident that the right to things belongs only to personality as such. The so-called *rights of person* among the Romans implied a man's having the *status* of being a legal person. Personality was thus only a *status* as opposed to slavery. . . . Hence, such rights were not the rights of a person as such. We shall see later on that the family relation involves, as its essential condition, rather the giving up of personality, or of the strict legal rights of person. Hence, it is not the place to treat of the rights of definite concrete personality before treating of those of abstract personality. . . .

## FIRST SECTION.

*Property.*

## § 41.

IN order that a person be a fully developed and independent organism, it is necessary that he find or make some external sphere for his freedom. Because the person as absolutely existing, infinite will is, as yet, in this entirely abstract form, we find that this external sphere which is essential to constitute his freedom, is designated as being equally something distinct and separable from himself.

*Supplement.* — The rationality of property does not lie in its satisfaction of wants, but in its abrogation of the mere subjectivity of personality. It is in property that person primarily exists as reason. Although the primitive reality of my freedom in an external thing be a bad form of reality, still abstract personality in its immediate form can have no other sort of real existence.

## § 42.

That which is thus immediately distinct from the free spirit, is for this free spirit, as well as in its own nature, something external, unfree, impersonal and right-less. . . .

*Supplement.* — As this thing lacks subjectivity, it is something external not only to the subject but also to itself. Thus space and time are external and I, as a sensuous being, am myself external, spatial and temporal. The sensuous perceptions I may have are of something which is external even to itself. The animal may have sensuous perceptions, but its soul does not have its soul, its own very self, for object, but some external thing.

## § 43.

As immediate concept and thus as a single individual, person has a natural form of existence.

This physical form of being belongs to a person partly as an independent physical organism and partly through his relation to his body as an external thing. We are here speaking of person in relation to immediate forms of external existence, his body among others, rather than in his relation to them as developed into more definite things through the mediation of the will. . . .

## § 44.

As a person, I have the right to put my will into everything, which thereby becomes *mine*. The thing has no substantial end of its own, but only attains this quality by being related to my will. That is, mankind has the right of absolute proprietorship.

The so-called philosophy which ascribes independent reality to immediate individual impersonal things, as well as that philosophy which assures us that the spirit cannot recognize the truth or know what the thing in itself is, — all such philosophy is immediately refuted by the conduct of free will towards these things. If, perchance, such things have for sensuous perception and representation the appearance of independent reality, we find that on the other hand the free will is the idealism, the real truth of such apparent reality.

*Supplement.* — All things are capable of being made the property of man, because he is free-will and as such in and for himself, while everything else lacks this quality. Every man, therefore, has the right to put his will into things, that is, to annul them and make them his own. For they, as external, have no self-aim; they are not that infinite reference of self to self, as subject, but are even externalities to

themselves. Every living thing (the animal) is such an externality and thus a thing. Only the will is infinite, absolute in reference to all else, which in turn is only relative. To make such things *mine* is really only to manifest the dignity of my will in comparison with them, and to demonstrate that they are not independent and do not have any self-end. This manifestation is made through my putting in the thing another end than that which it immediately had. I give the living thing, the animal, as my property, another soul. I give it my soul. Thus the free-will is the idealism which preserves things, but not as they are immediately, while realism holds them as being in and of themselves absolute and real, though they are finite. Animals themselves do not have this realistic philosophy as to things. For they eat things up, thereby proving that they are not absolute and independent.

#### § 45.

*Possession* is constituted by my having anything merely within my own external power. The special interest in possession comes from my having made some element of natural want, desire or caprice my own. The side of this activity of possession, which brings out my free and actual will, is the positive and legal side, or the characteristic of *property*.

In respect to want, which appears as the primary phase, property seems to be means. But the true position from the standpoint of freedom is that which regards property in its first definite form, as essentially an end for freedom itself.

#### § 46.

In *property* my will becomes personal to me, hence objective as the will of the individual. Thus property receives the character of private property and also that of common

property, which according to its nature can be possessed as parcelled out among many individuals. Here we have the characteristic of a potentially dissolvable community or partnership, it being a matter of caprice whether or not I shall let my portion remain in the common property. . . .

*Supplementary.* — In saying that the will becomes personal in property, it is to be noted that person is here used in the sense of particular being, so that property becomes personal property. As I give to my will this form of externality, it is essential that property have the definite character of being mine in particular. This is the important doctrine of the necessity of private property. Any restriction made to it must be made solely by the State. Frequently indeed, especially in our times, private property has been restored by the State. Many States have rightly enough abolished cloisters, because ultimately a community has no such right to property as the person.

### § 47.

As person I am to possess my own life and body as I do other things just in so far as I put my will into them. . . . The souls of the animals possess their bodies indeed, but they have no right to their life because they do not put their will into it.

### § 48.

The body, in so far as it is an uncultivated piece of external existence, is inadequate to the spirit. The spirit must first take possession of it in order to make it its animated tool. But in reference to other people I am essentially free even as to my body. . . . It is but a vain sophistry which says that the real person, — the soul, cannot be injured by maltreatment offered to one's body. . . . Violence done to my body is really done to me.

## § 49.

It is the rational thing then for me, in relation to external things, to possess property. But the particular form or amount of property possessed depends upon subjective aims, needs, caprice, talents and external circumstances. Moreover, such possession, in this sphere of abstract personality, is not yet explicitly set forth as identical with freedom. Hence it is a matter of mere legal contingency as to the kind and quantity of property that I possess.

All persons are equal in this abstract sphere, if indeed we can here speak of many persons. This is but a tautological proposition. For person is yet abstract and unparticularized. Equality is identity of the understanding. This is the standpoint first taken by reflective thought and mediocrity of spirit, when the relation of unity and difference first occurs to it. Here then we have only the abstract equality of abstract persons. Outside of this, that is, in every particular form of possession, there is really inequality. The demand sometimes made for an equal division of lands or possessions can only be made by a very superficial understanding. For in the sphere of actual particular possessions there falls not only the contingency of external nature, but also the whole of the spiritual nature with its infinite number of differences and its developed organic form of reason. We cannot speak of an injustice of nature in an unequal partition of possessions and means, for nature is not free and so neither just nor unjust. That all men should have a competency for their needs is a well-meant moral desire, but without any objective reality. Then, too, it is to be noted that what we call a competency is something different from possessions and belongs to the later stage, *Civil Society*.

*Supplementary.* — The equality which one might introduce in regard to the partition of goods would, in any event, be destroyed in a short time, since property depends upon



industry. The impossibility of such an equal distribution should prevent all attempts to secure it. . . . It is wrong to maintain that justice demands that each one should have an equal amount of property. For the demand is only that each should have property. It is then rather true that equality of possessions would be unjust in the sphere of particularity, which is the sphere of inequality. . . .

### § 50.

A thing belongs to the accidental first comer who gets it, because a second comer cannot take possession of what is already the property of another. The first comer is not legal owner by virtue of his being the first comer, but because he is free will. He becomes first comer only by the accidental fact that another one comes after him.

### § 51.

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*Supplementary.*—The primary *concept* of property is that one puts his will into a thing. The fuller concept involves the full realization of the idea of property. It is necessary that the inner act of will by which I say that something is mine, be made cognizable by others. In really making a thing my own, I give it the power of manifesting this in external form. It must not remain mine simply in my inner will. Children sometimes cry out against others taking possession of a thing, that they had wished it first. But such wishing is inadequate for grown-up people. The form of subjectivity must be worked out into objectivity.

### § 52.

Taking possession of the material of a thing makes it my property, as it does not belong to itself. . . .

## § 53.

Property has its proximate characteristic determinations in the relation of the will to the thing. This gives us,

(A) Immediate *Possession* in so far as the will has its objective reality in the thing as a positive existence,

(B) *Use* or *Consumption*, *i. e.* in so far as the will has its objective reality in negating the thing possessed,

(C) *Relinquishment* of property, as the return of the will into itself out of the thing. These three phases are the positive, the negative, and the infinite judgment of the will in relation to the thing.

A. *Possession.*

## § 54.

Possession arises (a) partly from the mere *corporeal seizure* of a thing (b) partly from the expenditure of *formative work upon it* and (c) partly from mere *designation*, or putting the sign of ownership upon it.

## § 55.

\* \* \* \*

(a) *Supplementary.*—The hand is the chief organ of corporeal possession. This no beast possesses. And what I grasp with the hand becomes in turn the means of grasping more.

## § 56.

(b) Through the expenditure of formative work upon a thing possessed, it comes to have a sort of independent existence and ceases to be limited to actual present corporeal seizure as the condition of possession. . . .

## § 57.

Man is, primarily, a natural sort of existence, external to his essential being. It is only through the culture of his body and spirit, especially through the apprehension of his freedom through self-consciousness, that he takes possession of himself and becomes his own owner. This act may also be called that of actualizing his *concept* or of developing his potentiality, faculties, talents. Through such act the natural man becomes positively his own and truly objective. He is thus distinguished from simple self-consciousness and becomes capable of maintaining the proper form of manhood.

[In the remainder of this paragraph Hegel shows at some length, that the only justification that can be offered of slavery and of mere lordship over men comes from considering man as a merely natural form of existence. On the other hand, the absolute wrong of slavery can only be maintained by considering man as he is ideally, as having all his potentialities developed, that is, as free, independent, cultured and spiritual. This, too, is an abstract and one-sided view, identifying immediately the merely natural man with the spiritual man. The truth is that man by nature (as a mere natural being) is unfree, and that man by nature (as fully developed man) is free. But man has such a spiritual nature, not in the state of nature but in the state of an ethical, civilized community. The blame of slavery really lies upon the will of the enslaved man or people, rather than upon those who enslave them. The enslaved has not said, give me liberty or death, but rather, give me life even at the expense of liberty.

Historically, slavery occurs in the transition from the state of mere nature to the state of grace, in the concrete social relations of the civilized community. It occurs in that stage of human development where a wrong is still right. At

such a stage, the wrong is of real worth and its place can be justified.]

### § 58.

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(c) *Supplementary.*—Possession by means of *designation* or sign of ownership is the most perfect form, for the other kinds of it have more or less the effect of a sign. When I seize or when I form a thing, the ultimate significance is always that of a sign to others that I put my will in the thing so as to exclude their possessing it. The concept of a sign is that a thing does not stand for what it is, but for what it signifies. A cockade, for example, signifies citizenship in a state, though the color has no connection whatever with the nation, and represents not itself but the nation. Man shows his sovereignty over things by being able to give a sign and thus acquire possession.

### B. *Use or Consumption.*

### § 59.

. . . Use is the satisfaction of my want through the alteration, destruction, or consumption of the thing, the selflessness of whose nature is thus made evident, and its real destiny accomplished. . . .

*Supplementary.*—The thing is reduced to a means of satisfying my needs. In any struggle for existence between a person and a thing, one of them must lose its own being in order to there being unity; but, in such a conflict, the I is the vital, willing, the real affirmative, while the thing is merely a thing. It must perish and I preserve myself, such being the rational prerogative of that which is organic.

## § 61.

\* \* \* \*

*Supplementary.* — The relation of *use* to *property* is that of substance to quality, of potential to actual power. The field is only a field in so far as it produces a harvest. He who has the whole use of a field is the real owner, and it is an empty abstraction to recognize any other property in it.

## § 62.

Partial, or temporary use, or possession of a thing is, however, to be distinguished from ownership. It is only the complete and permanent use of a thing that constitutes me owner of that whose abstract title may belong to another. Only so far as I permeate the thing throughout with my will, thus making it impermeable by others, is it truly mine. It is thus the essential nature of proprietorship that it be free and complete. . . .

It is more than fifteen hundred years since, under the influence of Christianity, personal freedom began to flourish, and became, at least for a small part of the human race, recognized as a universal principle. But the freedom of ownership has only since yesterday, we may say, been recognized here and there as a principle. This is an example from universal history of the length of time required by Spirit for its advance into self-consciousness; also, an illustration against the impatience of mere opinion.

## § 63.

\* \* \* \*

*Supplement.* — We find, however, that the qualitative form of use passes over into the quantitative. . . . This last takes the form of *value*. . . . Money is the abstract form

of value. Gold represents everything except the human wants ; hence, it is itself ruled by the conception of specific value. A man can, in a way, be the owner of a thing without being the possessor of its real worth. A family which has possessions which it can neither sell nor spend, is not owner of its worth.

### § 64.

Giving form, and putting one's mark upon a thing, are, however, external circumstances, needing continually the presence of the active subjective will to give them meaning and value. This presence is manifested through *Use* and *Consumption*, which must be continuous to avail. Without this active presence of will in them, things are deserted,—become masterless ; hence, property may be lost or acquired by *prescription*. . . . *Prescription* is founded upon the very character of property, namely, upon the actual manifestation of the will to possess something. Public monuments are national property, so long as they are of worth through the indwelling soul of national honor and traditions. Deprived of this national spirit, they become masterless, and are thus the fair booty of any individual who chooses to take them, *e. g.*, the Grecian and Egyptian works of art in Turkey. So, too, the extinction of copyright in the family of an author rests upon the same principle. Literary works become masterless (though in just the opposite way), like national monuments ; that is, they become universal property as to their worth, instead of being private property. So, the mere land of unused cemeteries, or that which is otherwise consecrated to eternal non-use, implies merely a non-present, arbitrary will, through the infringement of which no real interest is injured. Sacred respect for all such unused land cannot be guaranteed.

C. *The Relinquishment of Property.*

## § 65.

I can relinquish my property, because it is mine only so far as I put my will into it. I can give up (*derelinquere*) my lordship over anything that is mine, or I can deliver it over to another will for possession. But this refers only to such things as are by their very nature external.

*Supplementary.* — Such a true alienation is a direct declaration of the will, in contrast with alienation by prescription. In fact, when the whole process of property is looked at, we see its relinquishment to be a genuine act of taking possession. The first phase of property is the immediate taking possession of a thing. Then further ownership is acquired through use, while taking possession through the voluntary relinquishment of ownership is the last and fullest sort of ownership.

## Résumé of § 66-§ 71.

In these paragraphs Hegel makes the needed restrictions to the above doctrine. There are some sorts of possessions which by their very nature are inalienable. Those which constitute the very essence of my personality, such as my free-will, my ethical life and religious convictions, are thus inalienable. To relinquish them is to give up being a free self-cause, or *causa sui, cujus natura non potest concipi, nisi existens*. There is, however, a possibility of such suicidal action that is frequently actualized. The bad is itself either a denying and giving up the essentials of personality, or it is the making actual something which does not belong to the very inner essence of personality—a realization by man of the un-manly, the *non-human* or *sub-human*. Slavery is an example of one sort of such suicide. Superstition affords corresponding examples in the moral, ethical and religious

spheres. Intelligent rationality as to duties and dogmas is here sacrificed to the arbitrary authority of others. Rights as such are inalienable. Hence any one who has in any way lost his rights has the inalienable right and duty to resume them at the first possible opportunity. The slave, whether civil or religious, has always the right to violate the wrong right of his tyrant.

I may part with the productions of my hand or head, with my daily labor of brawn or brain, without doing violence to my personality, for such labor does not consume the whole of my self-activity. Herein lies the difference between the slave and the day-laborer, even though the toil of the latter be greater and his bodily comfort less than those of the former.

Again, one's life cannot be considered as external to personality and, hence, cannot be relinquished. I, as an individual, in the sphere of mere abstract right, have no right to lay down my life. It is only when a person is a member of an ethical community that he has the right to offer up his life at its command and in its service. Suicide may perhaps be looked upon as bravery, but it is only the poor sort of bravery of tailors and girls.

Property as an external thing is in connection with other externalities or properties. But as the principle of property is will, this relation of property to property is that of will to will. As proprietor my will enters a circle of *common* will. Thus property becomes mediated by this relation to other wills. It is no longer merely a matter of my own subjective will in relation to an external thing. This is the sphere of *Contract*. In property the relation is that of a *single* will, in *contract* it is that of *several* wills, of a *common*, though not of the universal, will of an ethical community.



## SECOND SECTION.

*Contract.*

## § 72.

PROPERTY, even as an external form of existence, is merely a thing. As property, the thing has been permeated by human will. In contract, we have the process which represents and resolves the contradiction that I am and remain independent exclusive proprietor, so far as I, in a will identical with the other will, cease to be proprietor.

## § 73.

I can alienate property not only as an external thing, but it also belongs to its very concept that I dispose of it as property, in order that my will stand over against me as some definite objective affair. But my will, as thus parted with, is another will. This process, accordingly, wherein that necessity of the concept is real, is the unity of different wills, in which their differences and peculiarities are annulled. But in this identity of will there is, at this stage, implied that each will, as not identical with the other, is and remains explicitly particular will.

## § 75.

As both of the contracting parties are related to each other as independent persons, we have

(α) Contract proceeding from the arbitrary choice of the parties.

(β) The common will expressed in the contract is only common and not a genuine universal.

(γ) The subject matter of contract is only a particular external thing, as only such can be relinquished at the arbitrary choice of the individual.

[Hegel stops here to declaim against the subsumption of *marriage* under the concept of contract. He says that such a reference of marriage as was made by Kant should be stigmatized as scandalous. Just as little can the nature of the State be treated as that of a contract of all citizens with each other or with their rulers. It is rather the natural and universal heritage into which men are born. It is far more truly a universal will than the common will that appears in contract. Like the family, it exists not by contract but by the grace of God, springing from the ideal nature of man as seen by the Divine Idea. Into both of these ethical spheres we all are born without making any contract in regard to them. We can neither enter nor leave the State at will. It is the universal will in which we exist. It is the rational destiny of man to live in the State.

Hegel further maintains the contract sphere to be a more concrete phase of right than that of property, when considered as based simply upon the relation of one's own individual will to things. Property held by contract, by common consent, is much more real and secure. It is not till what I have put my will into is recognized and allowed by other wills to be mine, that it can be held as property. In real contract as distinguished from formal contract, each one, through a common will, gives up, and at the same time retains and obtains possessions. Thus after contract, each one of the contracting parties, after having severally given up pieces of property, emerges with possession yet of the *value* of what they parted with. Hence, he maintains, a *laesio enormis* cancels the obligation of a contract.

Contract is given definite form through *stipulation*. Formalities are necessary for the conversion of subjectivity into objectivity. Though the tendency may be for them to grow simpler, we shall always need some kind of formalities, as the speech for uttering or making outward and visible the thoughts and intents of men in mutual relations. Stipula-

tion applies only to what is of substantial value. A contract is more than a promise. A promise is guaranteed only by a capricious subjective will which promises and may then refuse to fulfil its promise. But the stipulation in a contract is a guard against such capricious willing. On the other hand contract is an affair of legal rather than of moral right. The secret intentions, the moral disposition in the contracting parties are not taken into consideration at this stage. Contract has to do with legal rather than with moral rights.

The common will of the several particular persons in contract, is still far from being the universal will as *Idea*. It is still limited and contingent. Hence it is more than liable to conflict with true, universal will. Such collision, constitutes *Wrong* (*das Unrecht*).]

### THIRD SECTION.

#### *Wrong.*

#### § 82.

POTENTIAL right comes, through *contract*, to have positive form. Its inner universality thus takes the form of something held in common by caprice and by particular will. This may be termed the phenomenal appearance of right. Here the right and its essential determinate being (the particular will) accidentally agree. This phenomenal appearance of rights is continued, as a *semblance*, in *Wrong*. In wrong we have the opposition between implicit rights and the particular will through which they come to be any particular sort of rights. The truth of this semblance, however, is that such manifestation of will is *naught* and that the right reconstructs itself through the negation of this negation of itself. Through this negation of the wrong, the right returns to itself and characterizes itself as some-

thing real and valid, whereas it was primarily only something potential and immediate.

*Supplementary.* — Universal will, when essentially determined by particular will, is in a relation with an unessential, a relation of essence to its appearance, which can never adequately represent it. In *wrong* we have the semblance of the right. Semblance is inadequate character of existence, inadequate to the essence, and, though it asserts its independent validity, it vanishes through the energizing of the essence against it. The right, in thus manifesting the unreality of the semblance, receives the definite character of that which is firm and valid. Right thus becomes actual. For Actuality is that which energizes and maintains itself even in and through its opponent.

### § 83.

Right (which, as a particular and consequently a varying thing, in relation to its own implicit universality and simplicity, receives the form of a semblance), is such a semblance partly in and of itself; partly it becomes a semblance through the subject or doer as a semblance, and partly it is posited as absolutely naught, *i. e.*, *Unintentional* or *Civil Wrong, Fraud* and *Crime*.

*Supplementary.* — . . . The difference between fraud and crime is that the former still respects the form of right while the latter does not.

#### A. *Unintentional Wrong.*

### § 84.

Occupancy and contract in all their special forms, being primarily different manifestations and consequences of my will as such, are, in respect to the recognition of others, legal claims, because the will is implicitly universal. It is

only as concerns their variety and their external manifestation towards each other, that the one and same thing can belong only to different persons, each of whom considers the thing to belong to him, from some particular legal reason. Thus collisions of legal rights arise.

### § 85.

Such a collision, in which the thing is claimed for a particular legal reason, and which constitutes the sphere of civil lawsuits, contains the acknowledgment of right as universal and decisive. Thus all parties hold that the thing should belong to the one who has the legal right to it. The contest is only in regard to the subsumption of the thing under the property of the one or of the other. This is a merely negative judgment, in which only the particular as to what is mine or thine is negated.

### § 86.

\* \* \* \*

*Supplementary.* — What is implicitly right has a definite ground, and my wrong which I deem to be right I also defend on some definite ground. It is the nature of the finite and particular to give room to contingencies. Consequently collisions must take place here, for we are here on the stage of the finite. The first form of wrong (the unintentional) negates only the particular will, while the general right is respected. Hence, it is the slightest form of wrong. When I say that a rose is not red, I still acknowledge that it has color. I do not deny the species, but only deny the particular color, red. Just so is right here recognized. Each one wants the right, and desires only what is right. The wrong consists only in each person holding for right what he wishes.

B. *Fraud.*

## § 87.

\* \* \* \* \*

*Supplementary.* — In fraud, the second stage of wrong, the particular will is respected, but not the universal right. In fraud, the particular will is not injured, because the person deceived is made to believe that he is being fairly treated. That which constitutes fraud is the demanding as one's right that which is only a subjective and simulated right.

## § 88.

In contract, I acquire property for the sake of some particular quality of the thing, and at the same time in accordance with its inner universality, partly according to its value, partly as out of the property of another person. Through the arbitrariness of the vendor a false semblance can be produced in my mind so that the contract is formally right, while it really lacks the implicit universality of the right.

## § 89.

\* \* \* \* \*

*Supplementary.* — There is no punishment prescribed for unintentional or civil wrong, for in this there is no evil intentions against the right as such.

Punishment, however, comes with fraud, for here it is that right, as such, is injured.

C. *Violence and Crime.*

## § 90.

My will being projected into an external thing is thereby just so far seized and placed under necessity. My will can

thus partly suffer violence in general, partly violence can be done to it by my being forced to do something or to make sacrifice as the condition of keeping my property or life. That is, my will can be coerced.

*Supplementary.* — Wrong proper is crime where neither the right, as such, nor as it appears to me is respected, where consequently both the subjective and objective sides are violated.

### § 91.

As a living creature man can, indeed, be coerced, that is, his physical and otherwise external side can be brought under the power of others, but the free-will as such cannot be coerced except in so far as it fail to withdraw itself out of the externality to which it has bonded itself in property. Only he can be coerced who allows himself to be coerced.

### § 93.

Violence must be annulled by violence. This is involved in the concept of violence, as being self-destructive. It is therefore not only conditionally legal, but morally necessary — a second coercion which is the abrogation of the first coercion.

Violation of a contract by the failure to comply with the stipulation, or with the legal duties towards family or state, is a first coercion, or at least violence, so far as I take away a property which belongs to another, or fail to give him his just dues. Pedagogical coercion and coercion used against savagery and barbarianism do not at first seem to be the negation of a prior violence. But the merely natural will is itself implicit violence against the inherent *Idea* of freedom, which is to be protected and enforced against such wild will. Either there is already an existing ethical condition in family or state, against which all such barbarian naturalness is violence or there is a mere state of nature, a state of

violence in general. In this way the *Idea*, in opposition to this condition, brings about despotism.

*Supplementary.*—There can no longer be heroes in the State. These appear only in rude and primitive conditions. The purpose of such is a legal, necessary and political one, and this purpose they accomplish as their own private affair. The heroes who founded states, introduced marriage and agriculture, have, indeed, not done so as a recognized right, and these institutions still appear as matters of their own capricious choice. Still, in reference to the higher right of the *Idea* against barbarianism, this coercion by heroes is a legal one, for but little can be accomplished against savage violence by mere kindness.

#### § 94.

Abstract right is a right of compulsion, because the wrong against it is a force against the determinate being of my freedom in an external thing. . . .

*Supplementary.*—Here we may note the difference of the moral from the legal. In the moral, in the reflexion into self, there are two elements,—first, the good is my aim, and I must determine myself in accordance with this *Idea*. My resolution embraces the determinate being of the good, and I actualize it in myself. But this is entirely internal. Hence there can be no compulsion against this form of right. The laws of a State, consequently, cannot wish to extend over the disposition of its people. For in the moral, the person is for himself, and compulsion would here be without sense.

#### § 95.

The first compulsion exercised by the free person, as violence, which violates the very character of freedom in its concrete sense,—that is, violates right as right—this is crime . . . which negates the very capacity of right. . .



Perjury, high treason, counterfeiting, forging notes are the subject-matter of *Penal Law*. . . .

### § 96.

\* \* \* \* \*

*Supplementary.*—We cannot decide in just what way each and every crime is to be punished merely by abstract reason, but this must be left to positive laws. The estimation of crime grows milder with the progress of culture. To-day crime is much less severely punished than a hundred years ago. It is, however, the *relation* between crime and punishment that has changed.

### § 97.

Violation of right as such is, indeed, a positive external affair, though naught in itself. The making its nullity manifest is the same as the nullification of that violation in its own external form. This brings out the actuality of right,—its form of necessity as mediated by the destruction of its violation.

*Supplementary.*—A crime changes the form of existence of that which it violates. This changed form is the opposite of itself and hence null. Its nullity consists in its abrogation of the right as right. The right as absolute is indestructible. Therefore this external manifestation of the crime is itself null, and this nullity is the very nature of the effect of the crime. But what is null must manifest itself as violable. The criminal act is not a prior, definite affair to which punishment is a secondary and negative thing. But the crime itself is the negative, so that the punishment is only the negation of this negation. The actual right is now the abrogation of this violation. It thus manifests its validity and preserves itself as a definite form of mediated and necessary existence.

## § 98.

Violence committed only against external possessions is an *evil* (*Uebel*), and consists in damage done to any sort of property. The abrogation of the violation through counter-violence is the form of civil satisfaction or reparation, so far as this is possible. . . .

## § 99.

. . . Crime has definite existence only in the particular will of the criminal. Offering violence to this will is the annulling of the crime (which otherwise would maintain its own validity) and the restoration of the right.

[Hegel here makes some strictures upon various theories of punishment. Punishment being an evil, some maintain that it is folly to commit one evil because of a previous evil (the crime). It is this superficial view of crime as a mere evil, that is at the basis of those theories which admit punishment only so far as it tends to protect society by intimidating or reforming criminals. But crime is not a mere evil. It violates justice itself, and these theories deal rather with extrinsic considerations of psychological and sentimental character, and miss the essence of the matter, that punishment is intrinsically just—both to society and to the criminal himself. Here the essential point is that crime, not merely as an evil, but as a violation of right as such, is to be negated. We must see the real nature that belongs to crime. The chief question is as to the essence of crime ; this is the thing to be negated by punishment. Confusion in views of punishment cannot be avoided as long as the essence of crime is undetermined.]

The true view of punishment treats the criminal as a man. The theory of mere intimidation does not. It rather treats him like a dog, whom we may deter from biting again by flourishing a stick at him. It sets aside both the con-

eration of the criminal's free-will and the nature of justice, whereas the true theory honors the man in the criminal in manifesting and vindicating the absoluteness of justice.]

### § 100.

The injury done the criminal is not only just, *per se*, but so as being the implicit will of the criminal—a definite term of his own freedom. In other words his punishment is a right. Punishment is really a right to the criminal himself. That is, it is really contained as an element in his finitely acting will. For his action, being that of a rational being, implies that it is something universal and is legislative. Thus he implicitly recognizes his rational action as giving the law in accordance with which his own act can be determined.

Beccaria denies to the State the right of the death penalty on the ground that it cannot be presupposed that the Social Compact contained the consent of individuals to their own death. But really the criminal does give his consent to it by every deed. The nature of the crime, as well as the criminal's own will, demands that the violation should be rogated. But Beccaria's theory did some good in minimizing the death-penalty, limiting it to crimes inherently worthy of it. . . .

### § 102.

The abrogation of crime in this sphere of abstract right, (that is of right not yet mediated by ethical relations) takes primarily the form of revenge, which is justified as to its substance in so far as it is retaliation. But as to the form of such punishment, revenge is the deed of a mere subjective arbitrary will. Such a will, we have seen, has the power to decree its own infinite law upon every sort of accomplished violation. Hence its justice is capricious. As regards other persons, it never passes beyond the scope of the

arbitrary will of the individual avenger. Thus revenge is only a new violation. Thus revenge provokes revenge *ad infinitum*, and family feuds are transmitted from generation to generation.

*Supplementary.*—In a state of society where there are neither judges nor law, punishment always takes the form of revenge, and this remains defective in so far as it is the deed of a subjective will and, consequently, not in accordance with the real substance of the case. Judges are also persons, but they represent the universal will of the law, and it is not their intention to put anything into the punishment which is not in accordance with the nature of the case. . . . Among uncivilized peoples revenge is everlasting, as among the Arabians, where it can only be suppressed by a higher power or by the impossibility of indulging in it. Indeed we, to-day, still have a remnant of revenge, inasmuch as it is left to the discretion of individuals to bring violations before the tribunal or not.

### § 103.

The demand for the solution of this contradiction, which exists here as to the kind and manner of the abrogation of wrong, is the demand for a justice free from subjective interests and form, as well as from the capriciousness or mere power,—that is, for a justice which is not merely avenging but a punishing justice. This implies primarily the demand for a particular subjective will, which, however wills the *universal* as such. But this is the very *concept* of morality (*Moralität*). It is not only something demanded but something that has emanated from this very process.

#### *Transition from Right into Morality.*

### § 104.

Crime and avenging justice represent the development of the will into consciousness of the opposition within it.

is implicitly universal with the actually partial and special elements. They also lead to the stage in which the will, annulling this opposition, turns back into itself, being thereby developed and actualized. The right is thus preserved and its universal nature maintained, as against particular external forms. In negating its own particular, and therefore negative form, it realizes itself more fully. It becomes dependent, its negative activity being but a form of its own self-characterization.

In the sphere of *abstract right* will has been defined as abstract personality, as opposed to things and to other persons. It has now its own personality as its only object. This indefinite explicit subjectivity constitutes the principle of the *moral* (*moralischen*) standpoint.

In *property* we find the specific character of the will to relate in the abstract *meum*, that is, in an external thing. In *abstract* the property of the single will is mediated by the common will of several persons. In *wrong* we see the contingency of this common will being made manifest, while in the moral standpoint all contingency is potentially overcome. This is the sphere of reflective thought, the internal forum of *science*. All contingency is reflected back into the implicit entity of the will with itself, which constitutes its true objectivity.

Truth demands the veritable existence of the concept and the correspondence of its content with this its true form. In *rights*, the will has its existence in an external thing. The next demand of the concept of the will is that it have it internally, within itself. It must be self-reflected and have itself as its object. This affirmative relation to itself can only be attained through the annulment of its immediacy. This is accomplished in the punishment of crime, leading through its own negation of its own negation to affirmation - to Morality (*Moralität*).



## SECOND PART.

### MORALITY.

#### § 105.

moral standpoint is that of the will in so far as it is not merely in an abstract and potential form, but really thus infinite for itself. This reflexion of the will to itself and its independent identity, as opposed to the implicit being, and the immediacy and the self-determining determinations in this latter, constitutes the *subject*.<sup>1</sup>

#### § 106.

The subjectivity now constitutes the characteristic of the *concept*, and is different from the concept in the form of the actually existent will, and, indeed, as subjectivity is at the same time the will of the subject as an independent actuality which still contains the element of immediacy, it constitutes the determinate being of the *concept*. Thus subjectivity gives a higher basis for freedom. In reference to the *Idea*, the subjectivity of the will forms the side of the *concept*, its phase of reality. Freedom, or the potential and the actual, actually exist only in subjective will.

The second sphere, that of morality, represents, therefore, the whole the *real* side of the concept of freedom; and the process in this sphere is that of annulling the will which first exists only for self, and which is immediately implicitly identical with the potentially existing universal, according to that difference in which it becomes actually self-involved. The process also includes that of annulling the will existing for itself, as identical with the

<sup>1</sup> Cf. p. 73, foot-note.

potentially existing will. This process is accordingly the elaboration of this present basis of freedom (of that subjectivity which is at first abstract, that is to say, distinguished from the concept), to equality with the *concept*, which thereby becomes capable of receiving for the *Idea* its true realization. In this process the subjective will determines itself thereby as truly objective and concrete.

*Supplementary.*— In treating of strict formal right, we were not concerned with the question as to one's principle or intention. This question concerning the self-determination and motive (*Triebfeder*) of the will, as well as concerning design, enters only here with the moral.

A man desires to be judged according to his own self-determination; he is, in this respect, free, whatever the external conditions may be. One cannot encroach upon this conviction of men; no violence can be done to it, and the moral will is therefore inaccessible. Man's worth is estimated according to his inner action, and hence, the moral standpoint is that of independent freedom.

### § 107.

The self-determination of the will is at the same time a phase of its concept, and subjectivity is not only the side of its determinate being, but it is its own determination. The independent free-will, defined as subjective, at first as concept, has, itself, determined being in order to exist as *Idea*. The moral standpoint is therefore, as to its form, the right of the subjective will. According to this right, the will recognizes, and is, something only in so far as the right is its own. The will is in this as a subjective thing to itself. . . .

*Supplementary.*— The whole determination of the will is again a totality which as subjectivity must also have objectivity. Freedom can realize itself only in the subject, for the subject is the true material for this realization. But this



**D**eterminate being of the will, which we called subjectivity, is different from the absolutely independent will. The will, in order to become such independent will, must free itself from this other, from the one-sidedness of mere subjectivity. In morality it is the distinct interest of men which comes in question, and this is just the high value of the same, that man knows himself as absolute and that he determines himself. The uncultured man allows himself to be imposed upon by mere brute force and natural laws. Children likewise have no moral will, but permit themselves to be directed by their parents. But the cultured self-developing man desires that he himself be in everything which he does.

### § 108.

The subjective will, as immediately for itself and distinguished from the potential will, is hence abstract, limited and formal. But subjectivity is not only formal, but, as the infinite self-determination of the will, it constitutes the formality of the same. As this, in its first appearance as individual will, is not yet posited as identical with the *concept* of the will, we find that the moral standpoint is that of relation, of obligation or requirement. And inasmuch as the element of difference in subjectivity contains just as well determination opposed to objectivity in the form of determinate being, so the standpoint of consciousness is here also attained—or in general, the standpoint of difference, finiteness and phenomenality (*Erscheinung*) of will.

The moral is primarily not yet determined as the opposite of the immoral, as right is not immediately the opposite of wrong; but it is the universal standpoint of the moral as well as of the immoral which is based upon the subjectivity of the will.

*Supplementary.*—Self-determination in morality is to be conceived of as the pure restless activity which has not yet attained any definite existence. It is first in the ethical

(*Sittlichen*) that the will is identical with the *concept* of the will and has only this latter as its content. In the moral, the will is still related to that which is potential. It is therefore the standpoint of difference, and the process of this standpoint is the identification of the subjective will with the *concept* of the latter. The *ought*, which is the distinguishing element of morality, does not however attain to actual existence, except in concrete social relations of men. This ought to which the subjective will is related is a double thing. It is one time the substantial being of the *concept*, and again the externally existing. Even if the good were posited in the subjective will, it would not yet be thereby executed.

### Résumé of § 109-§ 113.

The formal character of the moral standpoint passes from the opposition between the subjective and the objective into the simple identity of the will with itself in this opposition. Here we have the content of the will, present in both elements and indifferent as to form as regards these differences. This is what we know as *the Aim (der Zweck)*.

But on the moral standpoint, this identity of content has further characteristics —

(a) The content is so determined as mine that it contains explicitly my very subjectivity, both as my inner aim and as the external objectivity which it may have received.

(b) Let the content have some particular form from any source, it still must be conformable to the implicit will. But as this will is still formal, this conformity is only a demand and contains the possibility of being non-conformity.

(c) Inasmuch as I attain my subjectivity in the accomplishment of my aim, I thus annul my immediate undeveloped subjectivity. But this external subjectivity is the will of others (§ 73). Hence the accomplishment of my aim implies the identity of my will with that of others. The utter-

ance of the subjective or moral will is found in action. Such action implies that I know it as mine, in essential relation to the concept (as obligatory) and to the will of others. Thus a moral action is distinguished from a legal one.

### § 114.

The right of moral will has three sides:

(A) The abstract or formal right of action, in such a way that the content of the action, carried out into immediate determinate existence, be mine and represent the purpose of my subjective will.

(B) The special character of the action is its inner content ( $\alpha$ ) as it is for me, whose universal character is determined by the worth of the action and what it avails for me — that is inner *intention* — ( $\beta$ ) its content as the special aim of my particular subjective being, that is, *individual well-being*.

(C) This inner content in its universality, as elevated into absolute, existing objectivity, is the absolute aim of will as will — that is the *Good*. This is in the sphere of the reflexion with the antithesis of subjective universality, partly of evil, and partly of conscience.

*Supplementary.* — In order to be moral, every action must primarily harmonize with my *purpose*, for the right of the moral will consists in recognizing in any action only that which was internally designed. Purpose thus makes the formal demand that the objective will be also the internal thing willed by me. In the second phase, that of inner *intention*, the question is concerning the relative worth of the action in reference to myself. The third phase concerns not only the relative but the absolute worth of the action, that is, the *Good*. The first breach of the action is between something proposed, and some definite accomplished affair. Then follows the breach between that which is external as universal will and the inner particular character which I give it. Thirdly we have the demand that the intention have

universal validity. The Good is intention elevated to the concept of the will.

## FIRST SECTION.

### *Purpose and Culpability.*

#### § 115.

THE limitation of the subjective will in external action arises from the fact that in all such action there is the presupposition of an external object and its manifold environment. A deed implies the working of a change in this external realm, and the will is culpable in so far as the change thus wrought can be called mine, as being that proposed by me. . . .

*Supplementary.* — What was in my purpose can be imputed to me. It is with this proposed deed that we are chiefly concerned when dealing with crime. But in culpability (*Schuld*) there is the merely external judgment as to whether I have done a certain thing or not. Culpability does not primarily imply the quality of imputability.

#### § 117.

In proposing to work a change in the given external realm, the self-acting will has a general idea of the circumstances. But as these circumstances limit it, the objective phenomenon is accidental and may contain something quite other than one's general idea of it. The subjective will claims as its right, that, in any of its deeds, it recognize as its own and be held responsible for only what it proposed to do. The deed can only be imputed to the will, and for this the will demands the right of knowledge.

## § 118.

The action, passing from the internal will into an external realm where external necessity binds all together, is followed by many consequences not calculated upon. In one way, the consequences properly belong to the action, as being what was aimed at. But at the same time the deed passes over into the dominion of external powers which add to it many foreign consequences. It cannot reckon all the consequences as its own, as being aimed at by itself and so it disclaims responsibility for all consequences not contained in its original design.

It is difficult, however, to distinguish between the accidental and the necessary or proper consequences of one's own action, for the inner purpose or plan is nothing, for others at least, till it enters the objective realm, and, once there, inextricable complication bids defiance to perfectly clear demarkation between the two sorts of consequences. The principle is sometimes announced that in acting we may despise consequences. On the other hand it is proclaimed that actions are to be judged solely by their consequences. Both of these principles are abstract and untrue. . . .

*Supplementary.*—This disclaiming responsibility for all consequences not proposed soon leads to the next phase—that of *Intention*. But there are consequences beyond the known and proposed external effects. Although my deed is some one particular thing, it yet contains necessary and universal qualities. I cannot foresee all external effects of a proposed action, but I must know the universal element implicit in every deed. The transition from *Purpose* to *Intention* consists in the recognition that I ought to know the universal element in every action so as to will it, to *intend* it.

## SECOND SECTION.

*Intention and Well-being.*

## § 119.

THE external form of an act is a manifold context of countless particularities. The act may be considered in such a way that at first cognizance is taken of only one of these many particularities. But the truth of the individual is the universal,—the real character of the act as such is not merely an isolated external thing, but it is rather a universal embracing the whole of a manifold context. Purpose, proceeding from a thinking being, contains not only the individual, but also essentially the universal side. Such purpose we call *Intention*.

*Intention* is really an abstraction. The attempt at justification through one's intention is really the isolating of a single aspect of the deed, which is maintained as the subjective essence of the deed. But the universal quality of the deed is also manifested in its accomplishment. Incendiarism is the actual result of the intention to set fire to only a little pile of kindling wood. Murder is the result of cutting out a pound of flesh from a living body. That is, one cannot really intend an isolated single side of an action. . . . In acting a man has to do with external consequences. An old proverb says: "A stone flung from the hand is the very devil." A man has to face the bad as well as good consequences of all his deeds. These are really definite qualities of his own will.

## § 120.

The right of *Intention* is that the universal quality of the act be not only implicit, but be fully known to the one doing the act, as having been the real purpose of his will.

On the other hand the right, as regards the external form of the act, is the right of its being considered as something known and willed by a *rational* being.

This right to such insight implies the slight or total lack of responsibility of children, the feeble-minded and insane for their actions. But as all such actions have numerous contingent effects, we can say that their subjective quality has that lack of character, as regards the power and strength of self-consciousness and thoughtfulness. Only such particular conditions annul the character of thought and freedom of will, and lead us to consider these actions not according to the worth which they would have as proceeding from a rational will.

### § 121.

The universal quality of an act is its manifold content in general, reduced to the simple form of universality. But the subjective individual, as contrasted with the objective particularity of his deed, has in his aim his own peculiar intent, which is the determining soul of the act. The fact that this subjective phase is contained and accomplished in the act, constitutes the concrete character of subjective freedom, the right of the subject to find his satisfaction in the act.

[In a supplementary note Hegel illustrates this *right of intention*. Murder may have been committed. We ask whether it was the intent of the doer rather, than an unintentional consequence of some action. It is the *motive* that constitutes primarily what is called the *moral* element. This moral element has the sense of the universal in *purpose* and the particular of the *intention*. In modern times, the chief question concerns the motive of an act, while formerly it was merely asked: Is this man honest, does he do his duty? To-day we look at the heart and

presuppose a breach between the external action and the inner subjective motive. The higher moral standpoint, however, is that of a harmony between the two sides, so that the external side corresponds to and satisfies the subjective purpose. The merely objective method of estimating the worth of deeds has its epochs both in the history of the world and of individuals.]

### § 122.

Through the motive, the action has personal subjective worth and interest. In reference to this subjective aim, the wider effects of the act are reduced to means. But, in so far as such an aim is a finite thing, it can in turn be reduced to a means to a further design, etc., *ad infinitum*.

### § 123.

As regards the content of such aims, we have here (α) merely the formal activity—that the person's activity be limited to what he considers his aim. One wishes to work only for his own interests, or for what should be his interests. (β) Such abstract formal freedom has, however, further definite content only in the natural phases of its subjective determinate being—needs, inclinations, passions, opinions, fancies, etc. The satisfaction of such a content is *Well-being*, in particular and in general. This is the sphere of finite aims.

[In a supplementary note Hegel asks whether a man has the right to choose such un-free finite aims, and gives an affirmative answer. It is not a mere accident, but according to reason, that man is a living being, and, so far, he has a right to make his wants his aim. There is nothing degrading in being such a living creature, and there is also no higher form in which he can manifest his spirituality.]



## § 124.

. . . The series of man's deeds constitutes the very man. If this series of actions be worthless, so also is the subjectivity of his will worthless. If on the contrary the series of deeds be substantial, so also is the inner will of the individual substantial.

This right of subjective freedom constitutes the turning point between antiquity and modern times. This right in all its infinitude is pronounced, and raised into being a universal principle, by Christianity. Subordinate elements of this principle are love, Romanticism, the eternal bliss of the individual; further, morality and conscience; further, the principles of civil order, and the forms in the history of art, science and philosophy. But abstract reflexion may so emphasize this element in opposition to the universal, as to lead to a view of morality that makes it to consist in a perpetual hostile conflict with one's own satisfaction — the demand "to do with aversion what duty commands."

Such an abstract view gives rise to the "psychological view" of history, which seeks to belittle all great deeds and heroes by reducing the primary intentions which found their satisfaction in substantial activity, to mere morbid cravings for glory and renown, as the real motives of the actions. . . This is the view of "psychological valets to whom no men are heroes because they themselves are only valets."

## § 125.

The subjective, in connection with the particular content of well-being, stands (as being inwardly reflected, as something infinite) at the same time in relation to the universal, *i. e.*, to the potentially existing will. This phase, primarily posited in the form of particularity, is the *well-being* of others also — yes even, in a perfect yet empty definition, the welfare of *all*. Thus the essential aim and right of subjectivity is ✓

really the welfare of many other persons. But inasmuch as such absolute universality, as distinguished from such particular content, has not yet been defined further than as being the right, these particular aims distinguished from universal aims may or may not be consonant with them.

### § 126.

My own right, as well as that of others, is a right only in so far as I am a free being. Hence it cannot maintain itself in opposition to this, its substantial foundation. Further, any plan for the welfare of myself or of others (which we call moral design) cannot justify a wrong deed.

*Supplementary.* — Even life is not a necessity when in conflict with the higher freedom. The famous answer given to a libeller who excused himself by saying, *il faut donc que je vive*, was *je n'en vois pas la nécessité*. When St. Crispin stole leather to make shoes for the poor, his action may be called *moral*, and yet it was unlawful and therefore unsound.

### § 127.

We may embrace under the term life, as personal existence, the whole of the interests of the natural will. Life, in cases of extreme danger or in collision with the legal property of others, has a claim to the *right of necessity* (not in equity but as a right). It has such claim inasmuch as on the one hand we have the absolute violation of the total personality and, consequently, the total lack of right as concerns the individual, while on the other hand we have only the violation of a limited form of freedom. At the same time, however, the right as such is acknowledged as well as the claim to right of the one injured in this special property.

Out of this right of necessity arises the *beneficium competentiae*; that to a debtor must be left his tools, farming im-

plements, clothing—in a word, as much of his property as **is** absolutely necessary for his maintenance according to his **Condition** of life.

*Supplementary.*—Life has its claims as against any merely **abstract** right. Hence stealing a loaf of bread to preserve **one's** life is of course an unlawful act, but cannot be treated **as** common theft. If one, in immediate danger of losing **his** life, should not be permitted to preserve his life at all **hazards**, he would be void of all rights. The loss of life **implies** the negation of the totality of his freedom.

### § 128.

This right of necessity reveals to us the finitude and consequently the contingency of right under the form of *well-being*. This form we see to be that of the abstract determination of freedom, without its being the existence of the particular person. It is that of the particular will without the universality of the right. Its onesidedness and ideality (*i. e.*, its being reduced from independence to the form of being a constituent element in a larger whole) is accordingly posited, as it has in itself been already determined in the concept. Right has formerly characterized its determinate being as the particular will; and subjectivity in its inclusive particularity is itself the determinate being of freedom, as it is potentially that of infinite relation of the will to itself, the universality of freedom. Both phases in them thus unified to their truth, to their identity (though at first only in relative relation to each other) constitute *the Good* as the perfected, the independently characterized universal, and *Conscience* as (in itself knowing and in itself determining of content) infinite subjectivity.

## THIRD SECTION.

*The Good and Conscience.*

## § 129.

*The Good* is the *Idea*, as the unity of the *concept* of the will and of the particular will. It is realized freedom, the absolute final purpose of the world. In this unity, abstract right, as well as *well-being*, and the subjectivity of knowledge and the contingency of external determinite being are annulled as independent in themselves, but at the same time are contained and preserved in it as to their essence.

*Supplementary.* — Each phase is properly the *Idea*. But the earlier phases contain the *Idea* only in abstract form. Thus, for example, the *Ego* as personality is already the *Idea*, but in its most abstract form. Hence *the Good* is the more fully determined *Idea*, the unity of the concept of the will and of the particular will. It is not an abstract legal thing, but it is full of content. And it is this content which constitutes *right* as well as *well-being*.

## § 130.

In this *Idea*, *well-being* has no actual validity, as the determinate being of a particular individual will, but only as universal well-being and, essentially, as universal in itself, *i. e.*, according to the concept of freedom. *Well-being* is not good when devoid of right, nor is the right good when devoid of well-being. (*Fiat justitia* must not have as its consequence *pereat mundus*.) Consequently, *the Good* (as the necessity of actuality through the particular will and at the same time as its substance) has absolute right against the abstract right of property and any particular ends of *well-being*. Each of these phases, so far as distinguished from the good, has validity only in so far as it is in accordance with *the Good* and subordinate to it.

## § 131.

Thus *the Good* is the absolutely essential for the subjective will, which has worth and dignity only in so far as, in its insight and intent, it corresponds with the good. So far as the good is, at this stage, still the abstract *Idea* of the good, the subjective will has not yet been taken up into it and made conformable to it. Hence subjective will is in a relation to the good, inasmuch as the good is its substantial content. It is obligated to make the good its purpose and accomplish it. On the other hand the good is only actualized through the mediation of the subjective will.

*Supplementary.* — The will is not absolutely good, but can only become the good that it is potentially, through its own labor. So, too, the good without the subjective element is only an abstraction. The development of the Good contains three stages: (1) The good for me the willing one, is particular will and I know it as such. (2) We define the Good and develop its particular characteristics. (3) We have the act of pointing out definitely what is the good as such, the particularity of the good as infinite self-dependent subjectivity. This internal act of specifying just what is good is the *Conscience*.

## § 132.

It is the right of the subjective will that whatever it is to recognize as binding be apprehended by it as good. This right involves, further, that a person be held responsible for any external action, only so far as he knows its external value, whether it be right or wrong, good or bad, lawful or unlawful. }

[Hegel further maintains, that as the good is only the truth of the will, it is only possible in thought and through thought. Hence all agnosticism is fatal to morality. It is indeed the highest right of the subject to recognize nothing

as obligatory which he, as a rational being, does not see to be such. But this subjective standpoint neglects the right of objective rationality. The insight of subjective reason is liable to be a mere fancy or an error. It is a proper part of one's subjective culture, that he attain to this right of insight. I must have the conviction of a duty on good grounds, and must recognize it to be essentially my duty. . . . This right of insight into the very nature of good differs from the right of *out-sight*, of knowledge as to the external consequence of an act. The first has to do only with the inward peace of a quiet conscience. The latter concerns the conformity of intention with external consequences. Hence it is that in the state, legal culpability cannot be restricted to the dictates of private conscience as to what is right or wrong. Here the citizen can only claim the right to have the laws so explicitly promulgated that he may know what is legal and illegal. Private conscience may be allowed to have its own convictions so long as these do not go forth in opposition to the existing ethical conditions of society. The law indeed judges children and the feeble-minded quite leniently. But it is the nature of man as man to be rational — to will the universal, and he must be held responsible for doing so. The incendiary is not only guilty of lighting a bundle of straw, but of burning down the house. He is responsible not only for the proposed external consequences of his deed, but also for his inner purpose to commit the deed, for his bad will. It is on this standpoint of conscience that responsibility for its dictates is demanded. . . .

### § 133.

The good stands in its relation to the subject as his own essential will, and hence as his bounden duty. However, there is still a distinction between the good and any particular choice of the subjective will. At this stage the good has only the character of abstract universality. That is, it

has the form of *Duty*. Hence the maxim, "Duty must be done for duty's sake."

*Supplementary.*— . . . It is the merit of the lofty standpoint of Kant's philosophy to have emphasized the significance of duty.

### § 134.

Every action demands some definite content and aim. But abstract duty does not contain such. Consequently the question arises, *what* is duty? The only reply that can be given from this standpoint of duty is, to do right and to care for the welfare of one's self and of all his fellows.

### § 135.

[In this paragraph Hegel maintains that Duty is an absolutely abstract, contentless universal, and hence stigmatizes Kant's theory of duty as being an empty formalism, and his moral science, as mere talk about duty for duty's sake. This standpoint affords no immanent doctrine of particular duties. One can only arrive at particular duties by importing something into this empty principle from without. It contains no criterion as to whether any particular act is a duty or not. In truth, one may say that any and every illegal and immoral act might be justified on Kant's maxim. It is only so far as the right of property and life are presupposed, that theft and murder contradict the maxim. Abstractly considered, however, the maxim does not contain this, but must borrow it from concrete ethical conditions already attained.<sup>1</sup>]

### § 136.

The nature of the good being thus abstract and formal, causes the other element of the *Idea* (that of particularity)

<sup>1</sup> Hegel refers to his fuller criticisms of Kant's principle made in his *Phänomenologie des Geistes*, which are reproduced by Prof. Edward Caird in his *Critical Philosophy of Kant*, Vol. II, pp. 186-188.

to fall within the sphere of subjectivity. This subjectivity is (in its universality turned back into itself) its own absolute certitude of itself; it is the specifying, the determining, the deciding element—in a word it is the *Conscience*.

*Supplementary.*—We may speak in very lofty terms of duty. To do so elevates man and enlarges his heart. But such talk becomes tedious when it fails to point out and lead to the accomplishment of any single duty. The spirit requires some specific form as that to which he is obligated. But duty, as used by Kant, is that inner abysmal solitude, which excludes all specification. A man on the standpoint of mere Conscience is, indeed, freed from all shackles of special commands. In one way this is a higher standpoint. It is the modern world that first attained to such consciousness. Previous ages have been more sensuous. They have had some external positive forms to guide them, either of a religious or legal sort. But Conscience knows and identifies itself with every thought. What is my own subjective thought, that alone is binding upon me.

### § 137.

The *genuine* conscience is that frame of mind (*Gesinnung*) which wishes for that only which is absolutely good. Hence it has well-established principles—the current explicit virtues and duties. As distinguished from this concrete content, the truth, it is only the formal side of the activity of the will which, as such, has no particular content. But the objective system of these principles and duties, and the union of the subjective knowledge with them, is first attained on the succeeding standpoint—that of *Ethicality* (*Sittlichkeit*). On the formal standpoint of morality, conscience lacks all such objective content. It is merely the infinite formal certitude of itself—of the subjective individual.



Conscience expresses the absolute right of the subjective self-consciousness, to know perfectly just what the right and the obligatory are. It can acknowledge nothing but that which it knows as absolutely good. Further, it must maintain as truly right and obligatory, whatever it thus knows and wills. Conscience is the unity of subjective knowledge and of the absolute truth. It is a holy of holies, to meddle with which would be sacrilegious. But it is only the definite content of what is esteemed to be good, which can decide whether the conscience of any particular individual corresponds to this *Idea* of the Conscience. Right and duty, as the absolutely rational characteristics of the will, are neither the particular quality of an individual's will, nor a mere sentimental form, but they are universal laws and principles. Through these alone it is to be determined whether one's conscience is true or not. Any appeal to only its own arbitrary views, is directly opposed to what it professes to be, that is, to the rational and absolutely valid modes of conduct.

Hence the state cannot acknowledge the validity of any merely private conscience, any more than science can accept merely subjective views. Still the private conscience can separate itself from this true content and degrade it to a mere form and semblance, by standing upon its own views. Hence ambiguity in regard to conscience lies in the pre-supposed identity of subjective conscience with objective good, which renders it sacred. Private conscience, however, may claim the validity which belongs only to this absolutely rational content. We are now treating of the moral standpoint as distinguished from the ethical (*sittlichen*) standpoint. We have spoken of the true conscience here only to avoid any misunderstanding. Our criticisms of the formal conscience do not apply to the true conscience, which belongs to the ethical frame of mind treated of in *Part Third*. We note, too, that the religious conscience is not to be treated of here.

## § 138.

This form of private conscience really dissolves all definite forms of right and duty. It is the judge which determines its content from within. At the same time it is the power which actualizes any conjectured and obligatory good.

[Hegel says that in epochs when the current forms of right and good could not satisfy the better will, philosophers like Socrates and the Stoics sought to find within themselves and to determine out of their own minds, truer forms of right and good. . . .]

*Supplementary.* — We may grant that no current form of morality is absolutely true and final. When any current form has become insufficient or obsolete, it is the prerogative of subjectivity to evolve another one. In truth every existing form of ethicality (concrete social morality) has been produced through this subjective activity of the social spirit. We may grant this without retracting our criticisms upon the formal and formless character of mere subjectivity, before it has produced new forms. It is only in times when the current codes are empty and spiritless and exist as a mere dead letter, that it is right for the individual to withdraw to his own inner sanctuary. This was the case of Socrates. The same is also more or less true in some present conditions of society.]

## § 139.

The subjective will may thus refuse to acknowledge the validity of definite current forms of duty and insist upon maintaining its own inner convictions. In so far as it does so, it is really the possibility of elevating its own arbitrary caprice to supremacy over the true universal, and of actualizing this usurpation in actual deed. That is, it is the possibility of being morally *Evil* (*böse*).

Mere private conscience is thus actually upon the very threshold of changing into the bad. Both morality and that

which is morally bad, have their common root in that certitude of itself which insists upon existing, knowing and choosing in an arbitrarily independent way.

The origin of evil lies in the region of the mysterious, *i. e.*, in the speculative nature of freedom. Freedom must necessarily advance beyond the mere natural will, and must put itself in internal relation to it. This naturalness of the will comes into existence as the contradiction of its very self, and as incompatible with itself in this opposition. Thus it is this particularity of the will itself that characterizes itself as the evil. There is here an opposition of the merely natural will to the subjectivity of the will. In this opposition, the subjective will is only relatively and formally independent being, as it can draw its content only from the properties of the natural will, — from its cravings, instincts, inclinations, etc. These latter may be either good or bad. But the will having such contingent content, is opposed to the universal, to the good. Hence its internality is really evil. Thus man is bad potentially or by nature, as well as through his intellectual advance, though neither mere nature nor thought, as such, are in themselves bad. But this side of the necessity of evil, absolutely implies that this evil be characterized as necessarily that which ought not to be, *i. e.*, that it ought to be negated, not that it should not have appeared. This constitutes the distinction between the irrational beast and man. It must needs be that the offense come, but not that man should hold to it, to his own destruction. . . . The individual subject as such, is therefore absolutely responsible for the guilt of his own evil.

*Supplementary.* — Man has the possibility of the good, that is of willing the universal. But he has also the possibility of evil, that is of identifying some particular form with the universal. He is thus good only inasmuch as he has the possibility of being bad. Moral good and evil are inseparable, through the concept becoming objective, and

as such having the property of difference. The bad chooses something different from the universal will, while the good will chooses what is conformable to its general concept. . . . But the question of the origin of evil relates more strictly to the transition of the positive into the negative. If God is held as being Himself the absolute Power (*Gesetzte*) in the creation of the world, there is no positive entrance for the negative. It would be an unsatisfactory and empty relation to suppose the *admission* of the negative by God. In mythology the origin of evil is not really apprehended. The good and bad are not recognized as having any connection other than an external one. But this will not satisfy thought, which demands to see *how* the negative is rooted in the positive. This solution is contained in the concept, or in its self-developed form of the *Idea*. The Good, as active, is essentially self-distinguishing, *posits* its other, and thus its opposite out of itself. Thus the bad has its root in the self-activity of the will. The will, in concept, is good as well as bad. The natural will is potentially this contradiction — it must distinguish itself from itself in order to become developed and internal. The merely natural will is opposed to the contents of concrete freedom. The child and the savage are thus held to a less degree of responsibility than the fully developed and civilized man.

The merely natural will, in its naïve state, is neither good nor bad. It is only when it is brought into conscious relation to the will as freedom, that it gets the property of being that which ought not to be and thus becomes the merely bad. The natural will, when still remaining in the education of the civilized man, is no longer merely natural will, but an element positively opposed to the good. It is false to say that man is without guilt when he once sees that the merely evil is a necessary element in the concept of will, for his own choice of his deed is the act of his freedom and he is responsible for it. It was in man's getting the know-

of good and evil that he was said to have become like God. But this knowledge of good and evil is no merely natural necessity. It is rather the freely chosen solution of the immanent opposition of good and evil. Both are present, and I have the choice between them. It is thus the nature of moral evil that it is the choice of man, but not that he be compelled by any natural necessity to choose it.

### § 140.

Self consciousness has the wisdom and power to give its aims external form. Every such aim must have this positive side, because purpose implies concrete external action. Thus it is nominally for the sake of a duty and a good purpose, that self-consciousness is able to maintain an action as a good one, both as regards one's self and others, though the action be merely the identification of an arbitrary subjective aim with the true universal. If one insists upon carrying out, under the guise of duty, such a subjective aim so as to affect other people, we have *Hypocrisy*. If it affects only the man himself, we have the very acme of mere subjectivity usurping the throne of the Absolute.

We call this last and most abstruse form of moral evil the highest summit of subjectivity on the moral standpoint. Here we find the bad changing into the good and the good into the bad, through consciousness knowing and insisting upon its own power as absolute. This is the form in which we meet with moral evil in our day. Shallow thought, in the name of philosophy, has thus distorted a profound concept and arrogated the title of the good for the morally bad.

[Hegel here treats at some length of the current forms of this false subjectivity :

(a) There are three phases in the development of hypocrisy :—

(a) The knowledge of the true universal, either in the form of the *feeling* of right and duty, or in the form of thorough knowledge of them.

(β) The choosing of something particular in opposition to this known universal.

(γ) The conscious choice of evil as such.

These phases represent the acting with a bad conscience, rather than hypocrisy as such. It is a weighty question whether an action is bad only in so far as it is done with a bad conscience. This is very well expressed by Pascal, who says : (*Les Provinc. 4<sup>e</sup> lettre*). *Ils seront tous damnés ces demi-pêcheurs, qui ont quelque amour pour la vertu. Mais pour ces francs-pêcheurs, pêcheurs endurcis, pêcheurs sans mélange, pleins et achevés, l'enfer ne les tient pas : ils ont trompé le diable à force de s'y abandonner.*<sup>1</sup>

The subjective right of knowing the moral character of one's deed, must not be thought to be in collision with absolute objective right, in such a way as to regard them as distinct and mutually indifferent to each other. The bad is *formally* the very core of the individual wrong-doer, inasmuch as it is the assertion of absolute egoism. Hence, he is guilty of it. Yet man is inherently rational, in his capacity for knowing the absolutely universal. It would not be treating man in accordance with his high capacity, if we should not attribute his evil deed to him as really part of his very self.

<sup>1</sup> Pascal refers to Christ's prayer on the cross for the forgiveness of his enemies on the ground that "they know not what they do." This would have been a superfluous prayer if their ignorance had changed the character of their deed so as to make it not to be evil and thus not to need forgiveness. He also adduces Aristotle's distinction as to an act being *οὐκ εἰδώς* or *ἀγνοῶν*. The former refers to ignorance of the external conditions. As to the other he says : "Every bad man is ignorant of what is to be done and what is left undone. And it is just this defect (*ἀμαρτία*) that makes men unjust and wicked. But such ignorance does not make their actions involuntary (and not imputable), but only makes them bad."

(b) But badness from a bad conscience is not yet hypocrisy. Hypocrisy is rather the maintaining before others that one's bad deed is really good, and the external simulation of being good, pious, etc. — an artifice of fraud to deceive others. The bad man can, moreover, appeal to his general goodness and piety as grounds of self-justification for his bad action, using them as a cloak for perverting the bad into that which is good for himself.

(c) To this perversion belongs that form known as *Probabilism*. Probabilism maintains the principle that any action is permitted for which any good reason may be found, even if this be only the opinion of a learned Doctor, however it may differ from the opinion of other Doctors. It, however, acknowledges that such an authority gives only probability, though it asserts it to be sufficient for quieting the conscience. It concedes that there may be other reasons just as good. It also acknowledges the necessity of some objective ground for right conduct. The decision as to what is good (or bad) is placed upon the many good reasons including those authorities. But these are numerous and contradictory. Hence it is the arbitrary choice of the individual which must ultimately decide the case. This undermines all ethicality and religious life. But, because Probabilism does not acknowledge this choice of the individual as the ground of decision, it is a form of *hypocrisy*.

(d) The next phase is that which maintains that the good will consists in merely willing the good; that all which is needed to make an action good is that one wills the good in general. But the action has a content only as far as it is a specific choice. The good, on the other hand, is not specific, and thus it is reserved to private choice to give it a content. In Probabilism some reverend Father is an authority. Here every one has the dignity of being an authority, specifying just what is good. But what one calls good may be only one side of the concrete case, and thus

it may be really bad, all things being considered. This is the phase of *Intention* previously considered (§ 119). Here we have a conflict of qualities of a deed, it being good according to the one, and bad according to the other. Hence the question arises whether the *intention* is *really* good. But the individual always *intends* the good. The particular deed intended is still good (it is held), in spite of some of its sides being criminal and bad, — because it was *intended*. If the individual had intended some one of these bad sides instead of the one he did, it would still have been good, — because *intended*.

Theft and murder are really, as deeds, the satisfaction of such a will as wills them. Thus they have a positive side in the will, and in order to make the deed good it is only necessary to *intend* the gratification of such a will. Theft and flight from battle for the sake of one's life or that of his family, murderous revenge for one's gratification of his feeling of his own rights, killing a man because he is bad, — all such may be stamped as good deeds because of the good intention with which they are done. Thus it has even been said that there is no really bad man, as no one ever wills the bad for the sake of the bad, but always wills something positive, something which satisfies his will, — something good. Thus we find that all difference between good and evil, and all real duties, have disappeared in this abstract good. Therefore, to merely will the good, or to merely do a deed with good intention, is rather evil.

Here we may consider the maxim: *the end sanctifies the means*. It might be replied: certainly a holy aim does, but an unholy aim does not sanctify the means. If the end is holy, the means are also holy. This would be a tautological expression, if "means" were used in its strict sense, that is, if it be strictly a *means*. But the real meaning of this expression is that even a bad "means," yes, even a crime, is permissible or obligatory if it leads to a good end. Thou



shalt not kill, and yet courts of justice and soldiers have not only the right but the duty to kill men. But in these cases it is strictly defined as to what kind of men and under what circumstance this is a right and a duty. Thou shalt preserve thy own life and that of thy family. But even this duty is subordinated to a higher end, and thus reduced to a means. But what is designated as a crime is not an indefinite thing still open to discussion, but has its clearly-defined character. The sacred aim which is opposed to the criminal means, is nothing more than a private opinion as to what is good or better. Finally, we have mere private opinion expressly proclaimed as the rule of right and duty.

(e) That is we have private conviction as to what is right made the judge of the ethical (*sittliche*) nature of an act. The good, which a man wills, has no specific content as yet, and the principle of private conviction demands that the individual subsume an act under the character of that which is good for himself. Here even the appearance of any ethical objectivity has disappeared. Such a doctrine is directly connected with the so-called philosophy which denies the knowableness of truth and consequently that of ethical laws. As such a philosophy esteems the knowableness of truth to be an empty conceit, it must make the merely outward appearance of an action the measure of its truth, and consequently place the ethical in the peculiar world-conception and private conviction of the individual. Such a degraded form of philosophy may seem to be the idle talk of scholastics, but the evil of it is that it gradually makes its way into ethical thought and then shows its real baseness. When such views as those we have mentioned obtain currency, there is no longer either vice or hypocrisy. Everything is justified by the intention and by the outward appearance.<sup>1</sup>

<sup>1</sup> I do not doubt but that one may be thoroughly convinced. But how many men undertake the worst crimes out of just such felt convictions. If this ground were allowed there could be no longer any

But the possibility of error must sometimes force itself upon those holding this principle of private conviction, and thus give rise to the demand for an absolute and universal law. But law does not act. It is only the real man who acts. In measuring the worth of a man the only question is concerning how far he has received the law into his heart and mind, — how far his conviction has been affected by it. But if man's actions are not to be judged according to that law it is hard to see what purpose that law serves. Such a law is degraded to a mere outer letter, for it is only through my conviction that it becomes a law binding me to the obligatory. Such a law may have the authority of God, of the State, of millenniums in which it was the bond uniting men in all their manifold relations; and yet against all these authorities I oppose the authority of my subjective conviction. Such self-conceit appears at first as tremendous, and yet this principle of private judgment which we are here considering justifies this conceit. Shallow philosophy and bad sophistry may lead to such higher inconsequence. And if they then admit the possibility of error, and consequently of crime, they still seek to reduce it to its *minimum*. For, say they, to err is human. Who has not daily erred concerning more or less important things. And yet even the distinction between important and unimportant things vanishes, when private conviction is considered to be ultimate. The admission of the possibility of an error is changed into the assertion that a wrong conviction is only an error. This is but a step removed from dishonesty. For at one time all ethicality and human worth are placed in private conviction, thus elevating it to the highest and holiest position. At another time private conviction is regarded as merely an

rational judgment as to good and bad, right and wrong or the noble and ignoble. Delusion would have equal right with sound sense. Reason would have no right, or validity — only the one who doubted would be in the truth. I shudder before the consequence of such tolerance, which would be exclusively to the advantage of un-reason. — FR. A. JACOBI.

error. In fact my conviction is extremely insignificant. If I cannot know anything true, then it is a matter of indifference how or what I think, and there remains for my thought only that empty good of the abstract understanding.

Moreover, there results the consequence that others, who act according to their convictions, may regard my actions (from conviction) as crimes, and that they are quite right in doing so. Thus I am cast down from the pinnacle of freedom and honor into the condition of slavery and dishonor. Thus the principle of private conviction (of others) meets me as an avenging judge.

(f) The highest form of the expression of this subjectivity (a term borrowed from Plato, though used in a different way) is that of *Irony*. This is the conviction not only of the unreality and vanity of all rights, laws, duties and virtues, but it is the recognition of its own vanity, and, at the same time, of itself, as absolute. The *ego* is all. It has become conscious of its own utter emptiness, and yet maintains itself as the ultimate and fundamental reality in an empty world. The *ego* which creates, names and destroys its own good and evil has become conscious of its own utter invalidity and vanity. Such *Irony* is only possible in a period of great culture, when all earnest belief has vanished and the vanity of vanities appears as the only reality. Here there is no real good acknowledged, either objective or subjective. One's own desires, aims, and good, are recognized as equally invalid with current codes of morality, and yet they are deliberately maintained as having absolute validity.]

*Transition from Morality to Ethicality (Sittlichkeit).*

### § 141.

*The good* is as yet abstract. But, as the concrete substance of freedom, it demands determinations or qualities in general, as well as the principle of freedom, as identical with the good. *Conscience*, which is yet only an abstract principle

of determination, likewise demands that its determinations be given universality and objectivity. We have seen how both good and duty, when either of them is raised to independent universality, lack that specific definite character which they ought to have. But the integration of both *the good* and *Conscience*, as relatively independent, is potentially accomplished in their organic unity. For we have seen subjectivity vanishing into its own emptiness, already posited (in the form of pure self-certitude or conscience), as identical with the abstract universality of the good. This integration of *the good* and *Conscience* is the real truth of them both. It is their concrete organic unity. This unity is the sphere of *Ethicality*, or the concrete ethical world of social life.

This transition is more scientifically developed in the *Logic*. We are here concerned with its finite abstract side, *i. e.*, with good demanding actualization and with conscience demanding the good for its content. But both of these, as yet partial phases, are not yet explicitly developed into that which they are potentially. This development of both the good and of conscience, so that neither lacks the other; this integration of both into an organic unity, in which each is retained as a member rather than as an independent thing, is the realized *Idea* of the will. In this each one attains its true reality. . . .

We found the first definite characteristic of the determinate being (*Dasein*) of freedom to be that of *Abstract Right*. This, however, passed through the reflexion of self-consciousness into the form of *the good*. Here now we have the truth of abstract right as well as of both the *good* and *conscience*. The *Ethical* (*Sittliche*) is subjective disposition of mind, but only in reference to implicit<sup>1</sup> (*an sich*) rights. That this

<sup>1</sup> It seems that Hegel's thought requires some other term than implicit (*an sich*) here. The ethical in general has to do with the explicit. Hegel's reference to it here as subjective disposition in reference to implicit rights is only made in passing and without further elucidation, and is inexplicable.

*Idea* is the truth of the concept of freedom, cannot be merely an accepted presupposition, but must be demonstrated by philosophy. This demonstration is simply that of showing how both *abstract right* and *conscience* lead back into this organic unity as their truth.

*Supplementary.* — Both the standpoints previously considered lack their opposites. Abstract good vanishes into perfect powerlessness, and conscience shrivels into objective insignificance. Hence there may arise a longing for objectivity. A man would sometimes gladly humble himself to slavish dependency in order to escape the torture and emptiness of mere negativity. This accounts for the many recent perversions to the Catholic Church. Such persons have found no definite codes and dogmas within their own spirit and have reached out after something stable, after an authority, even if what they obtained was devoid of the substantiality of thought. Ethicality (*Sittlichkeit*), or the ethical world of social life, is the absolute unity of subjective and objective good. In this sphere is found the solution of the antinomy in strict accordance with the concept of freedom. *Ethicality* is not merely the subjective form and the self-determination of the will, but it has real freedom for its content. Both right and morality need the *ethical* for their foundation, as without it neither has any actuality. Only the *Idea*, the true infinite is actual. Rights exist only as the branch, or as a plant clinging round a firm tree.



### THIRD PART.

#### ETHICALITY (*SITTLICHKEIT*).

##### § 142.

ETHICALITY, or the ethical world of concrete social life, is the *Idea* of freedom, as the vital and virile good. It is in self-consciousness that this good attains to its knowledge and volition, and through their activity to its own actualization. On the other hand it is in this ethical substance that self-consciousness has its absolute ground and efficient end. Ethicality is the *concept* of freedom, developed into the present existing world and into the nature of self-consciousness.

##### § 143.

Since this unity of the *concept* of the will and its determinate being (*Dasein*), which is the particular will, is knowing, the consciousness of the difference between these moments of the *Idea* is present, but in such a manner that now each moment by itself is the totality of the *Idea*, and has the *Idea* as ground and contents.

##### § 144.

(a) The objective ethical (*objektive Sittliche*), which takes the place of abstract good, is substance, *concrete* through its subjectivity *as infinite form*. This substance posits thence *differences* in itself, which thereby are determined by the concept, and through which the ethical concept gains a fixed *content*, which is explicitly necessary and elevated above subjective opinion and inclination. This content consists of the *in and for themselves existing laws and institutions*.

*Supplementary.* — In all ethicality (*Sittlichkeit*) both the objective and the subjective moments are present ; but both are its forms only. The good is here substance, that means the filling up of the objective with subjectivity. When ethicality is viewed from the objective standpoint, it may be said that the ethical man is unconscious of himself. In this sense, Antigone declared that no one knew whence the laws had come ; that they were eternal : that is to say, they are the absolutely independent realities, the determinations proceeding from the nature of the case. But none the less this substantial has also a consciousness, although this consciousness has always, on this standpoint, only the position of a phase.

### § 145.

In the fact that the ethical is the *system* of these determinations of the *Idea*, consists its *rationality*. In this manner it becomes freedom, or the in and for itself existing will as the objective, the sphere of necessity, whose moments are the *ethical powers* that rule the lives of individuals and are actualized and revealed in them as their attributes (*Accidenzen*) and conceptions.

*Supplementary.* — Since the *concept* of freedom consists in the ethical determinations, these are the substantiality or the universal essence of the individuals, who, consequently, are related to this universal factor as something accidental. Whether the individual exists or not is indifferent to objective ethicality, which alone is the enduring and the power through which the lives of individuals are ruled. Hence, ethicality, or concrete morality, has been represented to mankind as eternal justice, as gods existing in and for themselves, against whom the vain striving of the individuals becomes only a fluctuating play.



## § 146.

( $\beta$ ) The substance is, in this its *actual self-consciousness*, cognizant of itself, and hence object of knowledge. On the one hand, by virtue of the fact that *they exist* in the highest sense of independence, the ethical substance, its laws, and domination, have for the subject an absolute authority and force, infinitely more stable than the mere being [*das Sein*] of nature.

The sun, moon, mountains, rivers, objects of nature in general, *exist*; they have for consciousness the authority not only of mere existence in general, but also of having a particular nature. Consciousness respects this particular nature, and is guided by it when employed with objects of nature. But the authority of ethical laws is infinitely higher, since the things in nature present rationality only in a wholly external (*äusserliche*) and *particular* manner, and conceal this rationality under the form of the contingent.

## § 147.

On the other hand, the ethical substance, its laws and authority, are nothing *foreign* to the subject, but they afford the subject the *testimony of the spirit*, as being *of its own essence*, as that in which it feels itself to exist (*Selbstgefühl*), and in which it lives as in its proper element, undifferentiated from itself,—a condition that is unmediated and as yet identical, even as *faith* and *trust* are.

Faith and trust belong to incipient reflection, and presuppose a conception and differentiation; as, for example, believing in a heathen religion is different from being a heathen. This relation, or rather relationless identity, in which the ethical is the actual vitality of self-consciousness, can under all circumstances resolve itself into a relation of faith and conviction, and into something mediated by further reflection, into insight founded on reasons. This insight

may also begin from any particular aims, interests or considerations, from fear or hope, or from historical antecedents. But its adequate recognition belongs to the thinking concept.

### § 148.

For the individual, who distinguishes himself from these substantial determinations as the subjective and in himself indeterminate, or as the particularly determined, and to whom they *hence stand in the relation* of substance, these substantial determinations become *duties* which, in relation to his will, are obligatory.

The ethical *doctrine of duties* (that is, as it is *objectively*, and not as conceived according to the empty principle of moral subjectivity, according to which, indeed, nothing determines it [§134]) is, consequently, the systematic development of the sphere of ethical necessity. This forms the content of this *Part Third* of this treatise. The difference of this presentation from the form of a *doctrine of duties* consists in this alone, that, in what follows, the ethical determinations present themselves as necessary relations, without any further consequence being added to each of them. *Hence this determination is a duty for man.* A doctrine of duties, when not a philosophical science, takes its subject-matter from conditions and relations contingently presented, and shows their connection with individual conceptions, with those principles and thoughts, aims, motives, feelings, and the like, which are generally entertained, and can add as reasons the further consequence of each duty in reference to other ethical relations, as well as in reference to common welfare and opinion. But an immanent and consistent doctrine of duties can be nothing else than the evolution of *those relations* which become necessary through the *Idea* of freedom, and hence *actual* throughout their whole extent, in the State.

## § 149.

Obligatory duty can appear as a *limitation*, only to undetermined subjectivity or abstract freedom, and to the desires of the natural will, or to that moral will which determines its indeterminate good through its own caprice. But the individual has in duty rather his *liberation*, on the one hand, from the dependence imposed on him when under the influence of natural desires alone, as well as from the oppression which he suffers as subjective particularity in the moral reflexion as to what ought and what may be done; and, on the other hand, from the undetermined subjectivity which does not express itself and thus attain the objective characteristics of action, but remains *in itself* as a non-actuality. In duty the individual shakes off subjective fetters and attains substantial freedom.

*Supplementary.* — Duty limits only the caprice of subjectivity, and comes in conflict only with the abstract good to which subjectivity clings. When men say, "We wish to be free," this means at first only, "We wish to be free in an abstract sense," *i. e.*, free from objective laws. Hence every determination and organic differentiation in the State is held to be a limitation of this freedom. Duty is not a limitation, or restriction of freedom but of the abstraction of freedom, that is to say, of the opposite to freedom: duty is the arrival of freedom at determinate being, the gaining of affirmative freedom.

## § 150.

The ethical, in so far as it reflects itself in the individual character, as such is determined by nature, is *virtue*.

Inasmuch as this shows itself as nothing but the simple conformity of the individual to the duties of the situation in which he finds himself, virtue is *rectitude*.

*What* man should do, *what* duties he must fulfil in order to be virtuous, is easily determined in an ethical community. There is nothing else for him to do than that which is prescribed, proclaimed and made known to him in his ethical relations. Rectitude is the universal, that which can be promoted in him partly as the ethical and partly as the legally right. But for the moral standpoint, rectitude easily appears as something subordinate, over and above which one must demand something still more in one's self and others. The desire to be something *particular* is not satisfied with conformity to the universal and objective forms of duty as existing in the current conventional morals. Such a desire finds only in an *exception* the consciousness of the desired peculiarity. The *different sides* of rectitude may just as properly be called virtues, since they are just as much the property (though in the comparison with others, not the particular property) of the individual.

But discourse about virtue borders easily on empty declamation, since it treats only of an abstract and indefinite matter. Such discourse with its reasons and manner of presentation also appeals to the individual, as to a being of caprice and subjective inclination. In an ethical condition of society, whose relations are fully developed and actualized, such peculiar forms of virtue have a place and actuality only in extraordinary circumstances and collisions of these relations—that is, in *actual collisions*, for moral reflection can, indeed find collisions under any circumstances, and obtain for itself the consciousness of having made sacrifices and of being something particular and peculiar. For this reason this form of virtue as such occurs oftener in undeveloped states of society and of the community. In such earlier stages the ethical and its actualization is more of an individual choice and a genial nature peculiar to the individual. The ancients, we know, predicated virtue especially of Hercules. In the ancient state however,

ethicality had not grown to this free system of an independent development and objectivity—thus the deficiency had to be supplied by the geniality of the individual.

The doctrine of virtues, when not simply a doctrine of particular duties, includes the character which is founded in natural determinations. Thus it embraces a *spiritual history* of the natural man.

Since the virtues are the ethical in reference to the particular, and from this subjective side something undetermined, the quantitative "more" or "less" appears as their determination; and their contemplation brings up the opposite defects as vice. Thus Aristotle determined the correct signification of the particular virtues as the mean between a *too-much* and a *too-little*. The same content which takes the form of duties and then that of virtues, has also the form of impulses. These, also, have the same fundamental content. But since this content of the impulses belongs still to the immediate will and the natural sensibilities, and has not been developed to the determination of ethicality, the impulses have only the abstract object in common with the content of duties and virtues. But this abstract object, being without determination in itself, does not contain the limits of good and evil in itself. In other words, the impulses are *good* according to the abstraction of the positive, and conversely *bad*, according to the abstraction of the negative (§ 18).

*Supplementary.* — Where a person does this or that ethically good act, he is not straightway virtuous, but this he is when ethical behavior is a stable element in his character. Virtue is rather ethical virtuosship. The reason that we do not speak so much of virtue now as formerly, is that ethicality is no longer so much some peculiar quality of a particular individual as formerly. The French are, in the main, the people who speak most of virtue, because among them the individual is considered rather as something pecu-

liar, and as having a natural (*i. e.*, not yet ethical) manner of action. The Germans, on the contrary, are more thoughtful, and among them the same content gains the form of universality.

### § 151.

But in the simple *identity* with the actuality of individual the ethical appears as their common manner of acting, *custom*. This *habitual* manner of acting becomes a *second nature*, which takes the place of that which at first is simple natural will. It becomes the penetrating soul, meaning and actuality of its existence, the living and present *spirit* as a world, whose substance first then exists as spirit.

*Supplementary.* — As nature has her laws, as the animals, the trees, the sun, fulfil their law, so also is custom the law belonging to the spirit of freedom. That which legal right and morality have not yet attained, that custom is, namely spirit. For in legal right the particularity is not yet that of the concept, but only that of the natural will. Likewise at the stage of morality, self-consciousness is not yet spiritual consciousness. The question is, then, only concerning the worth of the subject in himself; that is to say, the subject which determines himself in accordance with the good against the evil, has still the form of arbitrariness. On the other hand, at the ethical stage, the will is the will of the spirit and has a substantial content adequate unto itself. Pedagogy is the art of making men ethical: it considers man as a merely natural being — it shows the way to a new birth, how to convert his first nature into a second spiritual nature, so that this spiritual becomes a *habit* in him. In this habit the opposition of the natural and subjective will disappears and the struggle of the subject is broken. This habit belongs to ethicality to the same extent as to philosophical thought, for the latter demands that the spirit shall be cultured so as to be opposed to arbitrary notions, and th

These shall be crushed and conquered, in order that rational thought have free course.

But man also dies of habit, that is, he is dead when he has fully habituated himself to life, when he has become spiritually and physically obtuse, and when the opposition belonging to subjective consciousness and spiritual activity has disappeared. For man is active only as long as there is something he has not attained, in reference to which he wishes to be productive and effective. When this is accomplished, virile activity and vitality (*Lebendigkeit*), disappear, and the absence of interest that then ensues is spiritual or even physical death.

### § 152.

In this manner, *ethical substantiality* comes to its *right* and this right gains its *realization*. For the self-will and independent conscience of the individual, which existed as for itself only and produced an opposition against the concrete ethical life, disappear, when the ethical character recognizes as its motive and end (*bewegende Zweck*) the unmoved universal that has been reduced by its determinations to actual rationality; and when this ethical character recognizes its value, as well as the persistence (*Bestehen*) of particular ends, as being grounded and having its actuality in this determined universal. Subjectivity is the absolute *form* itself and the existing actuality of substance. The distinction of the subject from substance, viewed as the objects, ends, and power of the subject, is nothing but the likewise immediately (*unmittelbar*, *i. e.*, not mediately) vanished distinction of form.

Subjectivity, which is the ground of existence for the concept of freedom (§ 106) and which, on the moral standpoint, is still differentiated from said concept, becomes, in the ethical sphere, the adequate existence of the concept of freedom.

## § 153.

The right of individuals to their *subjective determination* and *freedom* has its realization in the fact that they belong to the ethical reality, inasmuch as the *certitude* of their freedom has its *truth* in such objectivity, and they (the individual) actually possesses in the ethical sphere *their essential being* (*Wesen*) and their *inner universality* (§ 147).

To a father who asked how he might best bring up his son, a Pythagorean (it is also attributed to others) answered: "By making him the *citizen of a state with good laws*."

*Supplementary.* — The pedagogical attempt to keep pupils away from the common (*i. e.*, communal) life of the present and to bring them up in the country (Rousseau in "*Emile*") has been a vain experiment, for to estrange men from the laws of the world cannot prove a success. Even if you are educated in solitude, it is certainly unwarranted to think that no fragrant breeze from the spirit-world should ever invade this solitude, and that the power of the world-spirit is too weak to take possession of this little separated territory. *When he is the citizen of a good state*, the individual first gains his just rights.

"The realm of morality (*Sittlichkeit*) is nothing but the absolute spiritual unity of the essence of individuals, which exists in their independent reality. . . . This moral substance, looked at abstractly from the mere side of its universality, is the *law* as the expression of such thought. From another point of view it is also immediate actual self-consciousness as *custom*. On the other hand, the individual consciousness exists as a unitary member of the universal consciousness. Its action and existence are the universal custom (*Sitte* or *ἔθος*), in which it lives and moves and finds its being. . . .

"Any merely particular action or business of the individual relates to the needs of himself as a natural being. I



these, his commonest functions, are saved from nothingness and given reality solely by the universal maintaining medium, that is, through the power of the whole people of which he is a member. It is this power, too, which gives content as well as form to his actions. What he does is the universal skill and custom of all. Just so far as this content completely individualizes itself, is its reality inwoven with the activity of all. The labor of the individual for his own wants is at the same time a satisfying of the needs of others, and reciprocally the satisfaction of his own needs is attained only through the labor of others. Thus the individual *unconsciously* does an universal work in doing his own individual work. But he also does this *consciously*. The whole, as his object, is that for which he sacrifices himself, and through which sacrifice he fulfils himself. Here there is nothing but what is reciprocal; nothing even in the apparently negative activity of the independent individual, but such as enables him to attain the positive significance of independent being. This unity, which throbs through both the negation and the affirmation of the individual, speaks its universal language in the common custom and laws of his people. Yet this unchanging essence, — the spirit of his people, — is itself simply the expression of the single individuality which seems to be opposed to it. The laws proclaim what each one *is* and *does*. The individual recognizes this essence as not only his universal outward existence, but also as that which is particularized in his own individuality and in that of fellow-citizens. Hence each one has in this universal spirit nothing else than assurance of himself, and finds in existing reality nothing but himself. In it I behold only independent beings like myself. In them I see the free unity of self with others, which exists through others as it does through me. I see them as myself and myself as them in this free unity or universal substance. Thus reason is realized in truth in the life of a free people. It is present,

living spirit, in which the individual not only finds his character, *i. e.*, universal and particular essence, proclaimed and prepared ready to hand, but also finds that he himself is this essence, and has attained his definite character. Hence the wisest men of antiquity have proclaimed the maxim: that wisdom and virtue consist in living in harmony with the *ēthos* (morals) of one's own people."<sup>1</sup>

### § 154.

The right of individuals to special characteristics, is contained in ethical substantiality, since particularity is the manner of the external appearance in which the ethical exists.

### § 155.

In this identity of the universal and particular will, *duty* and *right* consequently coincide, and man has in the ethical sphere duties to the same extent as rights, and rights to the same extent as duties. In abstract legal right, the *ego* has the right and another has the duty; in the moral sphere, only the right of my own knowledge and will, together with my welfare united with duty, are demanded.

*Supplementary.* — The slave can have no duties, for duties belong to the free man alone. If all rights were on one side and all duties on the other, the whole (*das Ganze*) would dissolve, for identity alone is the foundation which we here must hold fast.

### § 156.

The ethical substance, as containing the independent self-consciousness that coincides with its concept, is the *actual spirit* of a family and a people.

<sup>1</sup> Hegel's *Phänomenologie des Geistes*, pp. 256-8, cf. Bradley's *Ethical Studies*, pp. 167-8.

*Supplementary.* — The ethical is not abstract like the *good*, but is, in an intensive sense, actual. The spirit has actuality, and individuals are the accidents of this actuality. Consequently, in the ethical sphere, there are only two points of view possible : either to start from substantiality, or to proceed in an atomistic manner and rise from individuality as foundation. But the latter point of view is spiritless, since it leads only to a conglomeration ; for the spirit is nothing individual, but it is the unity of the individual and universal.

### § 157.

The concept of this *Idea* is only spirit, self-knowledge, and actuality, when it is the objectification of itself, the movement through the form of its moments. It is, therefore :

(a) The immediated, or *natural* ethical spirit ; — the *family*.

This substantiality changes at the loss of its unity into that of separation (of the members of the family) and to the standpoint of the relative, thus becoming,

(b) The *civic community*, a union of the members as *independent individuals* (i. e., as private persons) in a formal universality, through their *needs*, and through the *legal constitution* as a means for the safety of persons and property, and through an *external order* for their individual and common interests. This *external state* centers itself together

(c) In the end and actuality of the substantial universal, and of the public life devoted to the common weal — in the *constitution of the State*.

## FIRST SECTION.

*The Family.*

## § 158.

THE family, as the *unmediated substantiality* of the spirit has its emotional sense of unity, *love*, for its characteristic so that the disposition is to have the self-consciousness of one's individuality *in this unity* as in an independent essentiality, in order to be united to the family not as person for himself, but as a *member*.

*Supplementary.* — Love means in general the consciousness of my unity with another ; so that I do not remain isolated for myself, but gain my self-consciousness only by the renunciation of my exclusive independence (*Fürsichseins*), and thereby know myself as the unity of myself with the other and of the other with me. But love is feeling that is, it is ethicality in the primitive natural form. In the State we do not find love ; there one is conscious of the unity as the unity of *law*, there the content must be rational and I must know it. The first phase of love is that I will not to be an independent person for myself, and that, if I am, I feel myself defective and incomplete. The second phase is that I win myself in another person, that I am recognized in him as he is in me. Love is, hence, a monstrous contradiction to the understanding, which it cannot solve, since nothing harder is found than this punctiliousness of self-consciousness which is denied, and which I am still said to have affirmed. But love is at once the source and the solution of the contradiction ; as solution it is ethical concord.

## § 159.

The *right* which belongs to the *individual* on the ground of family-unity, and which at first is his life in this uni-

itself, appears only in the form of (legal) rights as of the abstract phase of the *determined individuality*, when once dissolution of the family takes place. Here, those who have been its members, become independent persons in their disposition and actuality, and receive separately (and consequently in an external way, as wealth, support, cost of education, and the like) that which they obtained in the family as their natural heritage.

*Supplementary.* — The right of the family consists properly in this : that its substantiality shall have determinate existence (*Dasein*). Consequently, it is a right against any external impediments, and against secession from this unity. But on the contrary, again, love is a feeling, a subjective affair, against which the unity (*Einigkeit*) cannot make itself effective. Hence, when unity is to be promoted it can be done only by the agency of such things which, according to their nature, are external and not dependent on feeling.

### § 160.

The family consummates itself on three sides :

- (a) In the form of its immediate concept, as *wedlock*.
- (b) In external existence (*Dasein*), in the property and goods of the family, and in the care of the same.
- (c) In the bringing up of the children and the dissolution of the family.

#### A. *Wedlock*.

### § 161.

Wedlock contains, as the *immediate ethical relation*, first the moment of natural vitality (*Lebendigkeit*), and, indeed, as substantial relation, life in its totality, *viz.*, as actuality of the *species* and its process. But, *secondly* in self-consciousness the implicitly existing *unity* of the natural sexes, which for that reason is only an external unity, is transformed into a *spiritual* one, into self-conscious love.

*Supplementary.* — Wedlock is essentially an ethical relation. Formerly, especially in most treatises on natural rights, it has been considered only from the physical side, from what it is on its merely natural side. Hence it has been considered as a sexual relation only, and has remained closed in every way to the other characteristics of wedlock. But it is just as crude to conceive wedlock as nothing but a civil contract, a conception that occurs even with Kant, for then the mutual arbitrary choice makes a compact for the individuals, and wedlock is degraded to an ordinary mutual contract. A third conception, just as reprehensible, is to hold that wedlock is founded on love alone. For love, being a feeling, is always open to chance — a form which the ethical must not have. Hence wedlock is more closely determined as legally ethical love. With this determination, the transient, capricious and subjective in the concept of wedlock disappear.

### § 162.

As the subjective point of inception for wedlock, either the *particular* inclination of the two persons entering the relation, or the plans and arrangements of the parents, etc., appear the more prominent. The objective point of inception is the free consent of the persons in question, a consent, indeed, to be henceforth *one person*, to resign their natural and individual personality for this unity. This is a self-limitation in this respect, but also, since in it they gain their substantial self-consciousness, it is their liberation. It is therefore the objective destiny and ethical duty of man to enter the state of wedlock. As to the matter of the external point of inception of wedlock, it is, according to its nature, accidental, and depends especially on the culture of reflection. The two extremes are: either the arrangements of well-meaning parents is the first step, and, as a result of the prearranged acquaintance, an inclination arises in the persons

who are being selected for each other for the union of love ; or the inclination appears first in the persons in question, as diversely constituted as they may be. The former extreme, or in general, the way in which the resolve to marry takes its beginning, and has the inclination as a result so that at the actual marriage both are united, may be considered the more ethical way. In the other extreme, the *infinitely particular* individuality gets its pretensions recognized and is connected with the subjective principle of the modern world. (See above § 124.) But in modern dramas and other productions of art, where sexual love is the fundamental interest, there is an element of penetrating chilliness. In the heart of the passion presented, through the thorough *arbitrariness* connected with the same, this chilliness is brought about by presenting the whole interest as depending on *these* (persons) alone, when, indeed, it may be of infinite importance for *them* but is not of such interest when in its merely natural form.

*Supplementary.* — In nations where the feminine sex is less respected, the parents arrange marriage as they please, without consulting the individuals in question, and these are content with this arrangement, since any special definite direction of sentiment has as yet no pretensions. The maiden desires a husband, and he a wife in general (*i. e.*, without caring for more particular characteristics of the desired consort). In other states of society, considerations of fortune, connections, and political ends may be the determining factors. Here great hardships are possible, since wedlock is made a means for other ends. In modern times, on the other hand, the subjective point of inception (*falling in love*) has come to be considered the only one of importance. The moderns imagine that each must wait till his hour has struck, and that each can give his love only to one certain individual.

## § 163.

The ethical, in wedlock, consists in the consciousness of this unity as a substantial end in love, in trust, and in the community of the whole individual existence.

In this disposition and actuality, the natural sexual impulse is reduced to a mere phase of nature, which perishes in the instant of its gratification. Meanwhile the spiritual bond, in *its right* as the substantial essence of wedlock, elevated above the caprice of passion and of temporal and particular liking, becomes potentially indissoluble.

That wedlock is not a contract-relation as to its essential foundation, has already been noted (§ 75), for, from the standpoint of contract, which starts from the abstract personality of independent individuals, wedlock is a contract to pass out of and above the sphere of contract. The identification of the personalities, through which the family is *one person*, and its members properties, is the ethical spirit.

It is this ethical (social) spirit which, stripped of the manifold externality which belongs to spirit in the form of a definite individual and in special temporal and well-defined secular interests, that is sometimes elevated into a pictorial conception and honored as the *penates* and the like, and, in general, gives to wedlock and the family its *piety* (in the Roman sense of the word) and its *religious* character. It is a further abstraction when the divine, the substantial in this phase of sentiment is separated from its proper sexual side, and from the feeling and the consciousness of spiritual unity, and falsely given a separate existence as *Platonic love*. This separation is connected with the monkish view, according to which the phase of natural life is determined as something absolutely negative, and just through this is falsely given an infinite importance for itself.



## § 164.

As the stipulation of contract already contains for itself the true transference of property (§ 79), so the solemn (*feierliche*) declaration of agreement to accept the ethical bonds of wedlock and the corresponding recognition and sanction of the same by the family and community (that the *church* also enters as a further party to the union is not to be fully considered here), are the formal *conclusion* and *actualizing* of wedlock. Hence this alliance is ethically constituted only when *preceded* by this ceremony, as the performance of its *substantial* essence, through *sign* and language, as the outward and visible form of the spiritual (§ 78). Thereby the sensuous sexual element belonging to natural life, receives, in its ethical relation, the position of a consequence (*Folge*) and accidentality, which belongs to the external form of the ethical alliance. But the meaning of this alliance itself can be exhausted only in that of mutual love and support. . . .

[Hegel further insists, in this paragraph, upon the necessity of the sacred solemnization of marriage, rather than degrading the ceremony to the mechanical work of a civil or ecclesiastical clerk, who performs it without any sense of its ethical significance. This is only rightly appreciated and honored by the sentiment and ceremonies of religious people. Wedlock has both great intellectual and ethical import and results for both sexes. It elevates both to higher labors and aims. A new and broader unity is therein accomplished in the sphere of domestic life. It becomes a veritable school for ethical culture. He also opposes marriage between blood-relations, saying that intimacy and similarity of tastes and aims of the couple rather succeed than precede wedlock. These should be the ethical results of this school of virtue.]

## § 167.

Wedlock is essentially *monogamy*, since it is the personality, the immediate, exclusive *individuality* that devotes itself and surrenders itself to this relation. The truth and the eternality (*the subjective form of substantiality*) of this relation results, therefore, only from the mutual *undivided* devotion of this personality. This realizes its right to be conscious of itself *in another*, only when the other enters this idea as a person, that is, as an atomic individuality.

Wedlock, and especially monogamy, is one of the ultimate principles on which ethicality (*i. e.*, concrete morality) of a communal life depends. Hence the institution of wedlock is referred to as a phase of the divine or heroic fourfold of states.

## § 169.

The family has, as person, its external reality in its *activity*, in which it has the specific character of its substantial personality only when this property has the form of right or possession.

B. *The Possessions of the Family.*

## § 170.

The family has not only property, but with its being *universal* and *enduring person*, there comes the need and characteristic of having an enduring and certain estate or fortune. The arbitrary phase of abstract property, belonging to the particular needs of the single individual and to the self-seeking of the desires, transforms itself here into the care and acquisition for a *common weal*, into an *ethical* activity.

The introduction of fixed property appears in the traditional accounts of the foundation of the State in connection with the introduction of marriage, or at least with

beginning of a social and orderly life. — Wherein further, these possessions consist, and how they may gain true stability, is a problem that belongs to the sphere of the civic community.

*The Education of Children and the Dissolution of the Family.*

§ 173.

\* \* \* \* \*

*Supplementary.* — Between man and wife the relation of love is not yet objective; for, although feeling is the substantial unity, this has no objectivity. Such an objectivity the parents first gain in their children. In these they have the totality of their union before themselves. The mother loves her husband, and the husband his wife, in their child. Both have in the child their love incarnate before themselves. While in the family possessions the unity is only in an external thing, in the child this unity is in a spiritual being, by whom the parents are loved and whom they love.

§ 174.

The children have a right to be *educated* and *supported* from the common family possessions. The right of the parents to the *service* of the children, as service, is established and limited by the common interest in the cares of the family. The right of the parent to limit the *freedom* of their children exists for the purpose of discipline and education. The end of punishment is not justice as such, but is of a subjective, moral nature; its purpose is to deter the freedom that is only of uncultured nature [is naturalistic only], and to aid and elevate the universal in the child's consciousness and will.

*Supplementary.* — [Hegel further maintains that the child's right of education rests upon the necessity of aid in his

self-development of potential manhood. The parent should only require such service from him as promotes this education. On the other hand, children should not be permitted to do just as they please, though the breaking the will of children should not be merely arbitrary. Obedience is to be demanded on the ground of the parents' larger knowledge of what is best for them. Parents should remember that their children are potentially free spiritual beings, and so never treat them as slaves or mere soulless things. They should make it the primary end to educate them so that their ethical substance, and their hearts and wills should first come to flower and fruitage in the form of love, confidence and obedience. They should further seek to develop in them the sense of independence and free personality, that they may in due time be prepared to go out from the natural unity of the family and take their places as free and equal personalities with their parents in the civil community, forming for themselves new domestic circles. This leads to the topic of the *Dissolution of the Family-relation.*]

### § 176.

As wedlock, primarily, is only the immediate ethical *Idea*, and hence has its objective actuality in the intimate internality of the subjective disposition and feeling, we find in this the first contingent element of its existence. Just as little as compulsion to enter the state of wedlock is possible, just so little can a merely legal, positive bond keep the subjects (of wedlock) together, when averse and hostile sentiment and actions gain the ascendancy. Hence a third ethical authority is necessary that shall secure the legal right of wedlock, of ethical substantiality, against the bare opinion of such sentimental disposition and against the accident of only temporary moods and the like—an authority that shall distinguish these temporary moods from

total estrangement, and decide where the latter occurs, in order to be able in such cases to dissolve the marital bonds.

*Supplementary.*—When wedlock depends on merely subjective and accidental feeling alone, it can be dissolved. The State, on the contrary, is not subject to division and dissolution, since it is founded on law. Wedlock *ought*, certainly, to be indissoluble; but here it comes no farther than to the *ought*. But since wedlock is something ethical (belonging to an ethical community), it cannot be dissolved arbitrarily, but only through an ethical authority, whether this be the church or a court of justice. When the parties are totally estranged from each other, as in a case of adultery, even the religious authority must allow divorce.

### § 178—§ 180.

[The dissolution of the family thus occurs (1) through the death of the parents and the consequent distribution of the common property among the natural heirs, (2) through the total alienation of the married couple and their consequent separation, and (3) in the normal way, through the growth and development of the children into maturity.]

### *The Transition of the Family into the Civic Community.*

### § 181.

The family transforms itself in a natural way, and especially through the principle of personality, into a *plurality* of families outside of one another. These families are related to one another, in general, as independent concrete persons, and consequently in an external manner. Or, the interlocked moments (which are as yet undeveloped in their *concept*) in the unity of the family, as the ethical *Idea*, must be allowed independent reality in the *concept*. This is the stage of *differentiation*. First, abstractly expressed, this gives the determination of *particularity*. This particular refers

itself, indeed, to universality, but in such a manner that the universal becomes as yet only the *internal* ground which consequently exists in a formal and only *apparent* manner<sup>1</sup> (*scheinende Weise*) in the particular.

The expansion of the family in its transition into another principle, happens, in actual history, partly as the quiet expansion of a family into a people, a *nation*, which hence has a common natural origin, and partly as the association of dispersed family communities, either through military force or through voluntary alliance, furthered by common needs and by the reciprocal activity necessary for their satisfaction.

*Supplementary.* — Universality has here as its point of inception, the independence of the particular, and, hence ethicality appears lost at this stage, since, for consciousness, the *identity* of the family is that which is regarded as the first, the divine, the source of duty. But now a condition begins in which the particular demands the first place for itself, and consequently the primary form of ethical determination (the domestic life) is abolished. But, in reality, I only err in making this demand, for when I believe that I hold fast to the particular, the universal and the necessity of the interdependence of the universe still remain the first and the essential: I am consequently on the stage of *appearance*, and while my particularity continues to determine me (that is to say, continues to be my purpose), I thereby serve the universal, which, in reality, retains the final power over me.

<sup>1</sup> In Hegel *scheinend*, "apparent," does not have the connotation *false, deceptive*, as in English; for with Hegel, *ground* and *appearance* are categories of equal importance to essence (*Wesen*.) Hence the reader must understand *appearance* and *apparent* as referring to the *expression*, the *phenomenalization* of the ground, or internal nature, of *Wesen*. This reflexive relation presents at first the loss of ethicality; but, since, as essence, it is necessarily phenomenal (must reveal itself as phenomenon), it produces the phenomenal world of ethicality (of the ethical Idea), the *civic community*.

## SECOND SECTION.

*The Civic Community.*

## § 182.

THE concrete person who realizes himself as *particular* end (literally : is himself as *particular* end), as a total of wants with a mixture of natural necessity and arbitrary choice, is the *special principle* of the civic community. But here is meant the particular person that has his essence in his *relation* (*Beziehung*) to other particular persons, so that each satisfies and realizes himself as *mediated* through the others, and (hence) at the same time absolutely through the form of *universality* only. This universal or common element forms the *second principle* of civil society.

*Supplementary.* — The civic community is the difference (intermediate stage) that stands between the family and the State, even though its evolution follows later than the evolution of the State; since as the intermediate, the civil society presupposes the State, as it must have something independent to rely on, in order to endure. The creation of the civic community belongs, moreover, to the modern world, as here first all the determinations of the *Idea* have received their just recognition. When the State is conceived as a unity of different persons, but as a unity that is only a community (*e. g.*, of interest), there is reference only to the determinations of the civic community. Many of the later writers on politics and law have not been able to advance to any other view of the State. In the civic community each one is his own end, all others are nothing to him. But, without reference to others, no individual is able to realize his end to its full extent; these others, hence, become the means to the end of the particular. But the particular aim takes on a form of universality through its

reference to others, and satisfies itself by simultaneously satisfying the weal of others. Because particularity is bound up along with the conditions of universality, the whole is the ground of mediation in which all individualities, all talents, all accident of birth and fortune liberate themselves. In this too the currents of all passions empty themselves, passions that are ruled only by permeating reason. Particularity limited by universality is alone the measure through which every particular individual furthers his own welfare. Thus the Civic Community is what we understand by "the state on its external side" or as Government, arising from needs as presented to the understanding.

### § 184.

The *Idea*, at this its stage of differentiation, contains the phase of *existence peculiar to the individual* (*eigenthümliches Dasein*), of *particularity* — the right to develop and extend one's self in all directions, and also the phase of universality — its right to prove itself the ground and necessary form of particularity, as well as the power over it, and its ultimate end. It is the system of an ethicality lost in its extremes that makes up the abstract phase of the *reality* of the *Idea* which here exists as the *relative totality* and *inner necessity* to this external *appearance*.

*Supplementary.* — The ethical concept has here been lost in its extremes, and the unmediated unity of the family has been disorganized into a collected multitude. The reality is, at this stage of externality, the dissolution of the *concept*, the independence of the liberated and existent phases. Yet even here men are conditioned by their reciprocal needs and welfare. In seeking one's own aim and well-being, a person necessarily seeks more universal ones, and, in turn, the more universal ones are only attained through this self-seeking of each one. . . .



**Abstract of § 185.**

This development of the individual personality of all citizens sometimes seems to create an arena in which rampant individualism begets great excesses, misery and moral corruption. In ancient states it led to the destruction of ethical relations and thus to the downfall of nations. These ancient states were founded on such an undeveloped form of the universal element that they could find no place for individualism. It is only through the Christian religion that this principle of subjective freedom, and of the independent and infinite worth of the individual has come to its just recognition. The task of modern states is to welcome this principle and to incorporate it in harmonious unity with the larger ethical element.

On the other hand, it is the task of individualism to learn that its real and substantial freedom can only be found in the sphere of a common weal and life, where helping others is the best form of helping one's own self.

**§ 187.**

The individuals are, as citizens of this civic community, *private persons*, who have their own interests as their end. Since this end is mediated through the universal, which, consequently, *appears* to the individuals in question as *means*, this end can be attained by them only in so far as they themselves determine their will, desires, and acts in a universal manner, and make themselves *links* in the chain of this *connected whole*. As the civic community does not exist as such in the consciousness of its members, the interest of the *Idea* lies here in the *process* of elevating the individual and natural elements of the *Idea*, through the necessity of nature as well as through the arbitrariness of wants, to *formal freedom* and *formal universality of knowledge and will*. In other words, this is the process of developing

subjectivity in its phase of particularity. . . . Hence *education*, in its real essence, is *liberation*, and that the work of the higher liberation. It is the point of transition to that infinite subjective substantiality of ethicality, which is no longer unmediated and natural, but spiritual, being elevated to the form of universality. In the subject this liberation is *hard toil* as compared with the bare subjectivity of mere conduct, and with the immediacy of the desires and subjective vanity of feeling and the arbitrariness of inclination. That this liberation is hard work causes a good deal of the ill favor to which it is subject. But it is through this hard work of education, that the subjective will itself gains that *objectivity* in which alone, on its part, it becomes worthy and capable of being the *actuality* of the *Idea*.

This form of universality to which particularity has developed and elevated itself, and that has effected that particularity, becomes true independent existence of individuality; and as it gives to universality its adequate content and its infinite self-determination, this particularity remains, even in ethicality, as infinite, independent, free subjectivity. This is the stage which exhibits education as an immanent phase of the absolute, and proves its infinite value. We may define the man of culture to be a person who can do everything that others do, without losing his individuality. Culture is the rubbing off of angular peculiarities, and enables one to appreciate universal interests.

The civic community contains three phases :

(A) The mediation of the desire and satisfaction of the *individual* through his work and through the work and the satisfaction of the wants of *all the other* individuals, — the system of *wants*.

(B) The actuality of the immanent universal freedom, the protection of property through the administration of justice.

(C) The precaution exercised against the remnant of chance in this system, and the management of the particular

rests as of something possessed in *common*, through *ice* and the *corporations*.

### A. *The System of Wants*

#### § 189.

n its first aspect (*zunächst*) particularity, being the ermined, in general, as over against the universal element he will, is *subjective want*. These wants gain their objecty, *i. e.*, *satisfaction*, through the means (*a*) of external gs, which include the property and products of the wants *wills* of others, and (*b*) through the means of activity labor as the mediation of the two sides (the particular universal element). Since the aim of activity is the sfaction of *particular* subjective wants, and since, in tion to these same wants and to the free choice of others, universal realizes itself, we have the appearance of onality in this sphere of the finite in the form of the *erstanding*. This is the phase on which the discussion e turns, and which constitutes, in this sphere, the recon- ig element itself . . . This mutual interaction between viduals and society, in a realm of apparently unbridled vidualism, is quite remarkable. It is like the apparently egulated movement of the heavenly bodies whose law, ever, can be discovered and understood.

#### (a) *The Nature of Wants and their Satisfaction.*

#### § 190.

he animal has a limited range of ways and means of sfying its likewise limited needs. But man shows even his condition of dependency at once his transcendence : dependency, and his universality, first in the *multipli- m* of wants and means, and then through the *distinction separation* of the concrete want into different parts and

phases. Thus differentiated and *particularized*, they become *abstract wants*.

In the sphere of legal right, it is the *person*; in that of morality, the *subject*; in the family, the *family-number*; in the civic community in general, the *citizen*, the burgher (as *bourgeois*), and here, at the stage of wants (comp. § 123, note), it is the general conception (*Vorstellung*) that is called *man*. It is consequently here, and strictly here only, that we speak of *man*, in this sense.

*Supplementary.* — The animal is something particular, having its instinct and its limited means for satisfaction, which are not to be transcended. There are insects that are limited to a certain species of plants alone, and though there are other animals that have a wider sphere, and can live in different climates, they are still limited in comparison with the sphere of man.

### § 191.

Likewise the *means* for the particularized needs, and, in general, the ways of satisfying them, differentiate and multiply themselves, and thus become relative ends and abstract needs. Hence we have here an infinite progression of multiplication which, in the same measure, consists in *distinguishing* these determinations and in *judging* of the suitability of means to their ends; in other words, it is *refinement*.

The condition which Englishmen call "comfortable" is something inexhaustible, ever leading on to a more comfortable one.

### § 192.

Wants, and the means of satisfying them, become in their extraneous forms, at the same time, a *set of relations to other people*, through whose wants and work satisfaction is mutually conditioned. The abstraction (see preceding §),

high becomes a quality of wants and means, becomes also determination of the mutual relation of individuals to one another. When recognized, this universal element is the base which gives these individual and abstract needs, means, and forms of satisfaction a *concrete* and *social* character.

### § 194.

Since in social want, as the connection of immediate or natural and of spiritual wants of the *general conception*, the latter, as the universal, is the more important, the phase of *liberation* lies in this social phase in this manner: the stern necessity of nature belonging to the wants is lessened, and man comes in relation to *his own*, indeed, to a universal significance and to an only self-made necessity. Instead of coming in relation only to an external world, he has to do with an internal world of contingency and free choice.

The opinion that when man lived in the so-called state of nature, in which he had only so-called simple, natural wants, and used only such means for their satisfaction as nature wanted to offer, he then, in reference to his needs, lived in freedom, is, without reference to the liberation that lies in work (of which later), a false view. Natural wants as such and their immediate satisfaction represent only a spirituality which is submerged in nature, and which is, therefore, rudeness and thralldom under nature. Real freedom, however, consists only in the reflection of the spiritual upon itself, in its differentiation from the natural and in its reflex-spiritual determination of nature.

### § 195.

This liberation is *formal*, since the particularity of the needs remains the fundamental content. The tendency of the social state towards unlimited multiplication and specialization of wants, means, and enjoyment, which, like the

differentiation between natural and uncultured wants, no limits, — in other words, *luxury*, is likewise an end augmentation of dependence and distress. These must order to reduce it to the property of the free will, do battle with a matter that presents an endless opposition, that is battle with external means of different kinds, consequently they have to do with absolute hardship.

*Supplementary.* — Diogenes with all his cynicism is still nothing but the product of the social life of Athens, what determined him was the view against which the state of Athens in general agitated. This view is hence independent, but arose from the social conditions themselves, and is, indeed, an unhealthy product of luxury itself. Wherever luxury is at its height, there also distress and profligacy are just as great, and cynicism results as opposition to refinement.

(b) *The Nature of Labor.*

§ 196.

The mediation that is to prepare and procure for the *particularized* wants the adequate and equally *particularized* means, is *labor*. Its purpose is to specialize the material immediately given by nature through the most manifold processes for this multitude of ends. It is this formative activity that gives to the means their value and appropriateness, so that, in *consumption*, man is related chiefly to human productions. It is human exertions that he consumes.

*Supplementary.* — The immediate material which does not need to be prepared for use by human labor, is insignificant. One must earn the very air he breathes, since he must temper it to his comfort and safety. Water alone, perhaps, can be used in its natural state. The sweat of the human brow and the work of the human hand procures for man the *means for satisfying his wants*.

## • § 197.

In the multiplicity of interesting characteristics and objects, *theoretic culture* develops for itself not only a multiplicity of conceptions and intellectual acquirements, but also a mobility and rapidity of the mind in conceiving and in passing from one conception to another, and a power of grasping involved and universal relations. This is the culture of the understanding, along with which goes the development of speech. Practical education through labor consists in the want that causes it and the *habit* of being occupied with some employment, and, secondly, in the *limitation of one's activity* so as to correspond partly to the nature of the material, but more especially to the will of others; lastly, practical culture consists in that habit of *external* activity, and *universally valid* skill which is gained by this training.

*Supplementary.* — The barbarian is indolent, and distinguishes himself from educated man in brooding in an atmosphere of stupidity. For practical education consists just in the habit, desire and need of productive employment. The unskilled workman produces always something else than he intended, because he is not master of his own activity. He is a skilled workman who brings forth his product as it should be, and who finds no discrepancy between his subjective activity and the end attained.

## § 198.

The universal and objective element in labor is contained, however, in the *abstraction* which causes the differentiation of means and of wants, and thereby also differentiates production and gives rise to the *division of labor*. The work of the individual becomes simpler by this division and consequently his skill in his abstract work, as well as the amount of his production, greater. Hence this abstraction neces-

sarily brings to perfection at once the skill and the means of *dependence* and the *mutual relation* of men in the satisfaction of other wants. The abstraction of *production* makes the work ever more *mechanical*, thereby finally leading to its transference from man to the machine.

(c) *Wealth.*

§ 199.

Because of this dependent and mutual character of work and of the satisfaction of wants, the *subjective self-seeking* transforms itself into a *contribution to the satisfaction of everybody's wants*, that is, into the mediation of the particular through the universal as dialectic movement, so that while each one earns, produces and enjoys for himself, he thereby also produces and earns for the enjoyment of the rest. This necessity, which consists in the perfect interconnection, in dependence of all with all, has the form of what is called *general permanent wealth* (see § 170), which contains for each one the possibility of partaking in the common property, through his education and skill, in order to be assured of subsistence. On the other hand the individual's earnings, mediated by his labor, sustains and increases the common possessions.

§ 200.

The possibility of individuals partaking in the common possessions depends, partly on an immediate foundation (*capital*), and partly on the skill of the individuals. This skill, in its turn, depends again on capital, and then on the chance circumstances of the case. Owing to these diverse circumstances the *natural unequal* bodily and spiritual tendencies and talents are unequally developed. This diversity presents itself in this sphere of particularity in all directions and at all stages, and has, with other elements of chance



and arbitrariness, the *unequal distribution of property* and the *difference* between individuals in *skill* and *attainments* as a necessary consequence.

The spirit's objective *right to particularity*, which is contained in the *Idea*, not only does not abolish, in the civic community, the natural dissimilarity between men, but produces it in a spiritual form, and elevates it to a dissimilarity of skill, of possessions, and even of intellectual and moral development. To oppose to this the demand of *equality*, is characteristic of the empty understanding, that mistakes this, its *ought*, and its abstract conception for the real and the rational. This sphere of the particular which the universal has adopted attains only relative identity with the universal. There still remains in it much of the natural and arbitrary particularity, the state of nature. Further, it is Reason as immanent in the system of human wants and activities that articulates this system into an organic whole of different members.

### § 201.

The infinitely manifold means and their just as infinite self-limitation, in the activity of the mutual production and exchange, are unified through the permeating universal element, and again *differentiated* into *masses with common characteristics*; the connected total evolves itself to *particular* systems of wants, of their means and trades, of the kind and manners of satisfaction for wants and of the theoretical and practical education (systems into which individuals naturally enter); in short, this organized totality is differentiated into *classes* of civil society. If the family be recognized as the primary basis of states, classes must be recognized as the second one. Through them, the individual seeks at least relatively broader aims than mere private interests.

## § 202.

Classes thus formed are distinguished as the *substantial* class (agriculturists), the reflective or *formative* class (artisans), and lastly, the *universal* class (the learned and office-holding class).

## § 203.

The substantial class has its possessions in the natural products of the soil which it cultivates. It must have land suitable to be exclusive private property, and demands not only chance-gathering of usufruct (as the gathering of wild berries, breadfruit, etc.), but objectively formative labor. Against the connection of labor and its result with special fixed seasons, and the dependence of the crop on the variable natural processes, the aim of satisfying wants becomes provident care for the future. On account of these conditions, the manner of subsistence in this class is but little mediated by reflection and individual will. It retains, in general, the substantial disposition of an unmediated ethicality, depending on confidence (in nature) and on family relations. [Hegel continues here to show why the beginning of agriculture should be placed side by side with wedlock as the first foundation of the state and its civilization. Both agriculture and wedlock are in the nature of *limitation* of the arbitrariness of the individual. Both tend to make the mode of life more stable, more dependent on the universal laws of the spirit than on the particularity and caprice of the individual. Hence, the mythologies of the ancients represent the introduction of agriculture as a divine deed, worthy of being commemorated in religious festivities and worship.

To be sure, the factory methods of cultivating the soil, which, even in Hegel's time began to be prominent, tend to obliterate the distinction between the agriculturist and the

artisan ; but still, Hegel thinks, the patriarchal mode of life of the agriculturist is rather gaining than losing vitality. Here man lives in unmediated communion with nature. The yield of his acres comes to him as a direct gift, for which he gives thanks to God. He lives in the confident trust that this goodness of God will continue. What he gets is enough for him ; he uses it freely, for more is coming. This is the old nobility disposition and view of life of this class.]

In the production of this class, nature is the chief factor and man the secondary. In the second class (the formative), the human intellect is the essential element and nature's product only the material.

### § 204.

(b) The *industrial* class has as its business the *change of form* of the products of nature, and depends, especially, for its subsistence, on its labor and on the use it makes of the reflective powers of the intellect, as well as essentially on the skill with which it can deal with the wants and work of others. For what it possesses and enjoys, it scarce need to thank any one but itself, its own activity. This activity may be divided as follows : work for individual needs in a concrete manner and at the request of individuals, the work of the *artisan* or manual laborers ; work in the more abstract form for the sum total of individual wants, but hence for a universal need, the work of the *manufacturers* ; and the work of exchange of the individualized means of want and satisfaction for one another through the common medium of exchange ; *money*, in which the abstract value of all goods exists as an actuality. This is the work of the *commercial* or trading class. The sense of freedom and of order is especially developed in this class, depending, as it does, so largely upon its own foresight and intelligence.

## § 205.

(c) The *common*, or *universal*, class has as its business the *universal*, or *common interests* of the social state. Hence this class should be relieved from the direct work for the satisfaction of private wants, either by their own private fortune or by being compensated by the state, which demands their activity. Their private interests should be guaranteed to them while they work for the common weal.

## § 206.

Thus the classes as particularity, having become objective, differentiate themselves, according to the concept, into these fundamental distinctions. On the other hand, however, the question as to which class any particular individual is to belong depends to some degree on his natural gifts, nativity, and other circumstances. Still, the final and essential determination rests with the *subjective opinion* and *particular choice* of the individual. In this sphere, subjective opinion and free choice find their right use and honor, so that what here happens because of *inner necessity* is likewise *mediated* by *free choice*, and has hence, for the subjective consciousness, the form of a product of its own will.

We find here the difference between the practical life of the Orient and the Occident, and between the ancient and modern world. In the former this division into classes arises objectively and necessarily, the principle of subjective individuality being thus deprived of its right. For the assignment of individuals was there left to the rulers (as in the Platonic Republic), or made a mere matter of birth, as in the Hindu castes. Thus, not being recognized in the organization of the state and so harmonized with it, the principle of subjective individuality, which is an essential factor of society, is rendered hostile and destructive of the social order, and either succeeds in destroying it, as in the

Grecian States and the Roman Republic, or else, attaining power or some sort of religious authority, it results in internal corruption and complete degradation, as was the case, to a certain extent, among the Lacedemonians and is now (1820) being thoroughly illustrated among the Hindus. But when this principle is duly recognized in the organization and integrated with it, and thus maintained in its right, it becomes the very animating principle of civil society, of the thinking activity of men and of personal merit and honor. The recognition that what is necessary and rational in civil society is mediated and brought about through the liberty of individual choice, — this is what constitutes the ordinary idea (*Vorstellung*) of freedom.

### § 207.

The individual acquires actuality by entering into some *determinate form of existence*, the interest and labors of some one of these classes, whereby he limits himself exclusively to one of the *particular* spheres of wants. Hence the ethical disposition in this sphere is that of *rectitude* and class honor. The object is to make and maintain one's self freely, as a member of one phase of the civil community, by one's own industry and skill, and to provide for one's self only through this mediation with the universal, as well as to be *recognized* herein by one's self and others, as a vital member of society. Morality has its proper position in this sphere, where reflection on one's actions, the end of the particular want and welfare is the ruling conception, and where the accidental nature of their satisfaction elevates into a duty even a single and accidental act of assistance.

*Supplementary.* — By the principle that man must be *something* in particular we understand that he should belong to a definite class. It is this which makes this being something mean that he then is something substantial. A human being that does not belong to one of the classes is only a

private person and does not partake in the universal element. To be sure, the individual may esteem his private personality as the highest form of life, and believe that if he should enter a class (*i. e.*, take up a trade or profession) he would thereby lower himself. This is founded on the false conception that where anyone gains through his own exertion any definite class mode of existence he thereby limits and degrades himself.

### § 208.

The principle of this system of wants is a special form of knowing and willing *independent* universality or of *freedom*. But as this is still in its *abstract* form it is that of the *right of property* in itself. But this right exists here no longer only potentially as in "abstract right", but as a valid actuality, as the *protection of property* through the *administration of justice*.

#### B. The Administration of Justice.

### § 209.

The *relative* element of the mutual dependence of wants and of work for these wants has, primarily, its *reflection-into-itself* in the infinite personality (abstract) *justice* [legal right]. But it is this sphere of the relative itself which, as *education*, gives to legal justice its *existence* and *character* of being *universally acknowledged, known* and *willed*, and, when mediated through this knowing and willing, of having validity and objective actuality.

It belongs to culture (to thought as the consciousness of the individual in the form of universality) that the ego be conceived as *universal* Person, in which all are identical. *Man has so high a worth because he is man*, not because he is Jew, Catholic, Protestant, German or Italian. This consciousness, to which thought gives validity, is of infinite

importance, and is faulty only when it settles, as *cosmopolitanism*, into opposition to the concrete life of the state.

### § 210.

Objective justice implies on the one hand that it be something well known, on the other that it have such reality and power as to make it recognized as universally valid and authoritative.

#### (a) *Right in the Form of Law.*

### § 211.

Just what is *implicitly* right is, at this stage, explicitly set forth in objective form, *i. e.* it is determined through thought for consciousness. As that which is right and valid it is set forth as something *known*,—it is the *law*. Right, or justice, becomes through this determination *positive* (legal) right.<sup>1</sup>

#### Abstract of Remainder of §.

[To posit anything as universal is to *think* it. Thought, in fact, according to Hegel, is always a universalization. Hence the great, yet boundless importance of expressed or *written* laws. For written and codified law is not merely an expression of what was found formerly in custom and opinion. In the very act of *thinking out* the life-giving concept of the law, the codifier brings out the *universal* element which before existed only implicitly in custom. Customary law has hence a lower value than written law. Its universality is recognized only in a subjective and accidental

<sup>1</sup> The German words *Gesetz*, "law," and *gesetzt* "posited," like *θεός* and *τίθημι* in Greek, have of course the same root. *Law* is something posited (*gesetzt*), something *set down* as a universal principle and immovable rule. Hegel, who is always fond of utilizing the derivation of words, feels therefore that the connection is here self-evident. This must be borne in mind in reading the above paragraph, as the English cannot preserve the etymological argument. — P. M. M.

way, that is, as far as the chief, judge, jury or mob are able or willing to give its latent universality practical validity. Hence, the opinion that customary law is more vital than codified law, is a grave misconception. Certainly a law does not cease to be customary by being written down. England's common law is an excellent example of the confused conceptions that rule the present administration of justice. Theoretically, it is an unwritten law, the "*mores majorum*" of the English nation ; but, practically, no law is more *written* than the common law. In fact there is no end to the writing of it. Every judge and court are supposed and expected to found their decisions on the *recorded* decisions of former judges and courts. But, according to the theory of the unwritten law, these predecessors did nothing but expressed the unwritten law, and this customary unwritten law exists just as authoritatively in the present court and judge as in any of their predecessors. A similar confusion arose in the later Roman administration of justice.

To refuse to believe that a nation's laws may be adequately codified is to offer the greatest possible insult to such a nation and to its legal profession.]

The sun and planets have laws, to be sure, but they know them not : likewise the barbarian. It is only when civilized man is conscious of his laws, that the arbitrary and accidental elements of feeling and opinion, such as revenge and sympathy, are purified from his administration of justice. Conflicts, "collisions," and inconsistencies in laws cannot be avoided ; these also serve to make the judge to be something higher than a machine. But to try to avoid conflicts of laws, by allowing a wider field for the arbitrary decisions of the judge, were a retrogressive step towards chance and particularity again. This is, in fact, a great fault of jurisprudence founded on custom. Digests of decisions, though *certainly* superior to the bare records of the courts, still



contain so much adventitious and merely historical matter, as the English practice shows, that they are far from being satisfactory from a philosophical point of view.

### § 212.

In this identity of implicit (*Ansichsein*) and explicit (*Gesetzsein*), in civil conduct only that which is *law* is binding as right, or justice. Since the characteristic of being explicitly set forth contains also the accidental element of the private choice and other arbitrary elements, it is quite possible that that which is *law* may be quite different in content from that which is in itself right. In positive law, we have the source of the knowledge of the just in cases of litigation. Positive jurisprudence is largely a historical science resting upon authority.

### § 213.

Since justice first arrives at definite existence in the form of statute law, it comes into *application*, as far as its *content* is concerned, in relation to the *material* furnished by the civic community, in its endlessly special and complicated relations and forms of property and contract. Further material is furnished by the ethical relations depending on disposition, love, and confidence, though, naturally, only in as far as they contain the element of abstract justice (§ 159). The moral element and moral commandments, which have to do with the will in its most intimate subjectivity and particularity, cannot be objects of positive legislation. Still further material is furnished by the rights and duties that come into existence in the administration of justice itself and from the organization of the state and the like.

*Supplementary.* — As regards the higher relations of wedlock, love, religion and the state, legislation can only take cognizance of their merely external sides. In this respect great difference is found in the legislation of various

peoples. . . . In regard to the oath, however, where the matter is left to the conscience of the individual, the courts must insist upon strict honesty and truthfulness.

### § 214.

There is always one essential phase of the law and its administration that contains an accidental element. This depends on the necessity of the law's being a universal decision, that must be applied to particular cases. To declare against this accidental element is to utter an abstraction. The quantitative measure of a punishment, for example, can never be made adequate to any speculative concept. (Pure reason can never determine the measure of punishment.) Whatever the sentence may be, it is, on this side, always somewhat arbitrary. This contingent element is, however, itself necessary in this sphere and to reason against a code on the ground, that it is not perfect, is to misunderstand this phase in which no perfection is possible, and which hence must be taken as it is.

#### (b) *The Essential Characteristics (das Dasein) of the Law.*

### § 215.

The obligation to obey the laws contains, from the side of the right of self-consciousness (§ 132 with note) the (moral) necessity of the laws being made *universally known*.

#### Abstract of Remainder of §.

[To hang the tables of the laws so high over people's heads that no citizen can read them, as the tyrant Dionysius did, is an injustice and a crime. But what else does a government do that hides the law in numberless quartos, and in conflicting decisions of courts and opinions of jurists — yes, even in a foreign language? On the other hand,

Justinian and other codifiers, however imperfect in their work, should justly be praised as the greatest benefactors of their nations.

The legal profession should indeed consider law their speciality, but not, as they often do, their monopoly. They do, however, often object to the layman's knowing the law in the same spirit as the physicists objected to Goethe's dissertation on color. He, a poet, invade the territory of the physicist! But one need not be a shoemaker to know where the shoe pinches, nor a specialist to understand what belongs to the universal interests of mankind. For this is the foundation of liberty, the holiest and noblest in man.]

### Abstract of § 216.

[Two characteristics are essential to the public code: first, simple universal principles; and secondly, sufficiently explicit application of these principles to the infinite complications to which human relations are subject. Hence it is not to be reckoned a fault that no code can be complete in the sense of having a ready-made application to every possible case. The only reasonable claim is that all the fundamental principles should be plainly expressed.

One great source of legal confusion is, no doubt, the injustice upon which many historical institutions are founded. When later ages have tried to *read into* these institutions a rationality that they originally lacked, this misinterpretation in favor of justice necessarily complicates the system. The change of the Roman law from the narrow national prejudice of the republic to the *lex gentium* and *lex naturae* of the later *prudentes*, is an example. But the chief cause of the necessary incompleteness of a code, lies in the finite nature of the subject-matter to which these universal principles are to be applied. This must of necessity produce infinite regressions in the application.

To argue against a code on this ground, i.e. cannot be completed, is to fail to remember that *grande œuvre en fait n'est le mieux*. No art, no science, no undertaking would be worth while, according to this reasoning, for nothing can be complete in its application, not even geometry. The noblest, grandest, and beautiful were then worthless, since there might be something more noble, grand and beautiful not yet discovered. But a great tree may continually put forth more branches and still it is not a new tree; and it would certainly be foolish never to plant a tree because it might get a while, additional branches.]

### § 217.

As in the civic community *implicit* justice becomes also my formerly individual *unmediated* and *abstract* justice transformed, by being recognized, into an element of the universal will and knowledge. Acquirement of property, all activity relative to it must therefore adopt the form which is characteristic of property, in its universal relation. Property depends solely on *contract* and on the legal form necessary to prove such contract. . . .

*Supplementary.*—Hegel notes the necessity of the legal relations connected with the holding of property in a community. In reply to those who would dispense with them, he says that they are the essential element, making explicit and positive by asserting the existence of property rights. All mere subjectivity has here to give place to this objective form of reality, and receive from it security and stability.

### § 218.

Since property and personality have legal recognition and validity in the civic community, *law-breaking* is not a mere offence against some *subjective-infinite*, but against a *universal*

le, whose existence has a sure and strong foundation f. We arrive here at the point of view that estimates offence according to the *dangerous* tendencies it has for mmunity (society). Such tendencies certainly add magnitude of the crime; but, on the other hand, a unity whose government feels secure, overlooks the al importance of an offence, and practices greater cy in its punishment.

(c) *The Court of Justice.*

§ 219.

Justice, in its legal form, gains actual existence it is pendent (*für sich*); that is, stands independent over t the *particular will* and *opinion* of justice, and has to itself valid as being *universal*. This recognition and tion of justice in the particular cases, without the tive feeling of *particular* interests, belongs to a public to the *court of justice*. As to the historical origin of of justice and of judges, it matters not whether they from patriarchal relations, from force or from free

§ 220.

right against crime in the form of *revenge* (§ 102) is a *implicit* right and has not the form of justice, *i. e.*, just as to its mode of existence. In the place of offended party (the individual), the offended *universal* mmunity), which has its characteristic actuality in the enters, and undertakes the prosecution and punishment of crime. Hereby the penalty of crime ceases to be merely *subjective* and accidental retaliation of revenge, transformed into the true reconciliation of justice self in *punishment*. This punishment is, from the ve side, the reconciliation, through the negation of the

crime, of the self-restoring *law*, which thereby gives it *valid actuality*. From the subjective side of the offender is the reconciliation of *his own law, known by him as established for his protection*, in whose execution on him he consequently finds the satisfaction of justice, in finding nothing but *his own deed*.

### § 221.

The member of the civil community has the *right to appeal to the courts*, as well as the *duty to appear in court*, and accept his disputed right from the court only — (to allow decision of the courts of justice to be supreme and to over his disputed rights).

*Supplementary.* — Every individual must not only have right to appeal to the courts, but must also know the law; else this right would be of little use to him. But it is the duty of the individual to appear in court. In former times, the powerful nobles often refused to appear, challenged the court, and acted as if it had been an injustice to the courts to demand their appearance. But this is a condition that contradicts the true conception of a court of justice. In more modern times the prince must recognize the authority of the court over himself in private affairs, in free states his cases are generally lost.

### § 222.

Before courts, justice must have the characteristic of being *demonstrable*. The *legal procedure* enables both parties to bring forward effectively their evidence and legal claims, and the judge to get fully acquainted with the case. The *steps are themselves rights*, and hence their manner of procedure must be legally determined. Therefore procedure is an essential part of the science of law.

## § 224.

As the public proclamation of the laws is a right of collective consciousness, so also is the *publicity of the ration of justice*. It follows from the right of know-laws, that the possibility of the *actualization* of the particular cases, should be publicly known, both as course of external events and as to legal principles, the history of a case is a universally valid history; though the case, as far as its particular content is concerned, is of interest only to the parties in question, its legal content is concerned with a principle of justice, determination touches the interest of all.

Deliberations of the members of the court among themselves, over the case before decision, are expressions of opinions and views that are still *particular*, and consequently not of public nature.

## § 225.

Judicial activity, as the application of the law to *particular cases*, has two *sides*: *first*, an ascertaining of the facts of the case in its *immediate detail*, as, for example, whether there was a contract or not; whether a certain act has been committed; who has committed it; and, in *civil* cases, the ascertaining of the thoughts and motives that led to the action, according to their *substantial* character (§ 119, note); *secondly*, the subordination of the case under the law, whose purpose is to achieve justice. In criminal cases, the determination of punishment falls under this head. These two classes of functions, that constitute judicial activity, are two (essentially different functions.

## § 227.

The first *side*, the *ascertaining* the case in its details and qualifications, contains by itself no judgment. It is a piece of information such as any person may have. Since the subjective element of comprehension and intention of the agent (see Part I, § 226) is essential for the qualification (a true estimate) of an act, since the evidence without this element is not complete, but only with details, circumstances, and objects of perception and subjective certainty; and since, hence, the evidence contains no absolutely objective determination, therefore, the ultimate factor in the decision is the *conviction* and conscience (*animi sententia*), as in regard to the evidence, which depends on what others depend on to affirm, the *oath* is the ultimate, though subjective test.

*Supplementary.* — There is no reason to hold that the judge (*juristische Richter*) should determine the facts of the case, for this belongs to common intelligence and not to legal learning. The decision as to what are the facts of the case depends on empirical circumstances, on what is the act and the like, and then again on facts from which conclusions as to the act in question may be drawn, to make it probable or improbable. Here *certainty* is not a truth in the higher sense, for truth is so altogether eternal. This certainty is here the subjective conviction, conscience, and the question is, what fact the certainty should take in the administration of justice. The demand of confession of the culprit, as is common in courts of justice, has this truth in it, that by so doing the subjective self-consciousness is satisfied, since the sentence which the judge pronounces should not differ from the consciousness of the convicted person, from the sentence of his own conscience, and since the judgment does not



to contain an alien element to the transgressor until he has confessed his offence. Here is the difficulty however, that the transgressor may refuse to confess, and thereby the interests of justice be endangered. But, again, if the subjective conviction of the judge is to be supreme, there is once more a hardship, since man is no longer treated as a free agent. This mediation, however, takes place when it is demanded that the verdict of guilty or not guilty should come, as from the soul of the transgressor, through the verdict of a jury.<sup>1</sup>

*The Trial by Jury.*

§ 228.

\* \* \* \* \*

The right of self-consciousness, the moment of *subjective freedom*, may be considered as the substantial point of view in the question of the necessity of public trial and *trial by jury*. To this, the essential of what can be said on the score of *utility* in favor of these institutions, can be reduced. From other considerations and upon other grounds, it is quite possible to dispute and defend one way or another this or that advantage or disadvantage, but, like all reasons of forensic argumentation, these arguments are secondary and hence not decisive, or else they are taken from other, and perhaps higher, spheres of thought. That it were *possible* to administer justice well, perhaps better, with purely juristic courts (*i. e.*, courts without juries) than with other institutions, does not here concern us; for if this possibility increased to a probability, yes even to a necessity, the *right of self-consciousness* would ever retain its demands, and not find itself satisfied.

<sup>1</sup> Hegel's substitute of the verdict of a jury for the confession of the criminal is clear, if we remember that he is giving an exposition of the *common* consciousness which the criminal implicitly acknowledges. His twelve peers state their opinion of the relation of the criminal's particular act in regard to the acknowledged common good. — P. M. M.

When the knowledge of jurisprudence (owing to the character and scope of this science), the transactions of the courts (legal proceedings) and the possibility of legal prosecution, become the *property* of an exclusive class (the legal profession); and when the very terminology is in a language that is unknown to those of whose rights it treats; the members of the civic community being dependent on *their own activity, their own knowledge and will*, are held as *aliens*, and as *minors*, in relation to their *right*, a relation that is really a species of serfdom under the legal profession. And this, though their rights form not only the most personal and intimate, but the substantial and rational element of their knowledge and will.

Even though they have the right to come *bodily* into court (*in judicio stare*), this is a right of small value when they may not be present *spiritually* with their own *intelligence*, and the justice that they gain, remains for them an external *fate*.

### § 229.

In the administration of justice the civic community brings itself back to the *concept* of the unity of the implicitly universal with subjective particularity, although the latter is found in individual cases and the former in the sense of *abstract justice*. This is effected by the *Idea's* losing itself in the particularity and by its separation into an internal and an external moment. The realization of this unity in the extension of the whole sphere of particularity, at first as relative unification, constitutes the organization for *police-protection*, and in the more limited but more concrete totality, the *municipal corporation*.

*Supplementary.*— In the civic community the universal is only the necessary; in the social relation of wants, right alone, as such, is the fixed. But this right, a limited sphere, has reference only to the protection of what I *have*: right as such is welfare, something external. But this welfare is,

however, in the system of wants, an essential characteristic. Consequently the universal, which at first is only the right, must spread itself out over the whole field of particularity. Justice is something great in the civic community: good laws make the state flourish, and free (private) property is a fundamental condition for its splendor; but since I am totally entwined in particularity, I have a right to demand that in this connected whole (the civic community) my particular welfare also, shall be furthered. My welfare, my particular interests, must be taken into consideration, and this is done by the police-organization and the municipal corporation.

### C. *The Police and the Municipal Corporation.*

#### § 230.

In *the system of wants*, the subsistence and welfare of each individual exists as a *possibility* whose actuality is conditioned by the individual's choice and natural peculiarities, as well as by the objective system of wants: through the administration of justice the *violation* of property (property-right) and of personality is annulled (is guarded against). The right that is *actual in particularity* contains, however, also the demand that the *accidental* infringements of the rights of this or that end shall be *abolished*, and that *undisturbed safety of person and property* shall be established in the form of the *assurance* of the subsistence and welfare of the individual — in other words, justice, or right, as actualized in the particular, demands that the *particular welfare* (*i. e.*, the welfare of each individual) shall be *treated as a right*, and shall be *actualized*.

#### § 256.

The aim of the municipal corporation, being limited and finite, has its truth in the independent *universal end* (the

State) and its absolute actuality. The same, too, is true of the police functions. The sphere of the civic community is thereby merged into the *State*.

City and country — the former the location of civic industry, that is, of the reflexion that individualizes itself and centres in itself; the latter the location of the ethicality that rests on nature, the individuals that mediate their self-preservation in relation to other legal persons, and the family, constitute the two still ideal phases out of which, as their true *ground*, the *State develops*. This evolution of unmediated ethicality through the differentiations (*Entzweiung*) of the civic community to the *State*, which proves itself their true ground, and only such an evolution, or derivation, is the *scientific demonstration* of the concept (*Begriff*) of the *State*. Because in this evolution the scientific concept of the *State* appears as the *result*, while it shows itself as the true ground. Hence that *mediation* and that appearance *abolish* and *transform* themselves *into immediacy*. In reality, therefore, the *State* is always rather the *first*, in which, later, the family develops into the civic community. It is the *Idea* of the *State* which separates itself into these two moments. In the development of the civic community, the ethical substance wins its *infinite form*, which contains the following two phases:

(1) The infinite *differentiation* down to the self-dependent (*für-sich-seyende*) *existence-in-itself* of self-consciousness; and  
 (2) the form of *universality* which is in education and culture, the form of *thought* in which the spirit becomes objective and actual unto itself in *laws* and *institutions*, that is, in its *thought-out* will as organic totality.

## THIRD SECTION.

*The State.*

## § 257.

THE State is the actuality of the ethical *Idea*; it is the ethical spirit as the *manifest* (*offenbare*) substantial will that is fully self-cognizant (*sich selbst deutliche*), and that thinks and knows itself and realizes (*vollführt*) what it knows and in as far as it knows. The State has its immediate existence in the ethical life (*Sitte*) and in the *self-consciousness* of the individual; in his knowing and doing (in his knowledge and activity) it has its mediated existence, just as the individual has his *substantial freedom* in the State as in his own essence, seed and product of activity.

The *penates* are the intimate, *lower* gods, the *national spirit* (*Athene*), the divine that *knows* and *wills* itself; the devotion to family ties (*pietät*) is ethicality deporting itself in feeling: and *political virtue* is the willing of the conceived independent end (of the independent ideal end).

## § 258.

The State, as the actuality of the substantial *will*, (which actuality it has in the particular selfconsciousness raised to its universality) is the independently (*an und für sich*) *rational*. This substantial unity is absolute, stable end-for-itself (*Selbstzweck*) in which freedom gains its supreme right, just as conversely this final end (*Endzweck*) has the supreme right over against the individuals, whose *supreme duty* it is to be members of the State.

**Abstract of Remainder of §.**

As long as *the interest of the individual as such* is alone the final end of human federation, we have only the civic com-

munity. not the State. Those who confound these two concepts ascribe to the State no higher purpose than the protection of person and property. But the true State is objective spirit, and the individual is not himself, has not objectivity and truth, and cannot live an ethical life except as a member of the State. To live a universal life, that is, to live in organic communion with his neighbors, is the aim and purpose of the individual. Rationality in general is the union of the universal and particular, and here it is the union of objective and subjective freedom. But objective freedom is the freedom of the universal substantial will, and subjective freedom is that of the individual. Hence rationality, or concrete freedom, has the form of activity determined by *ideal* and hence *universal* laws. Here we have nothing to do with the historical origin of the State. Prove, if you please, that this or that State began with patriarchs or social contract, arose from fear or confidence, that the rulers claimed divine right, or ruled by pure force of custom ; and you have only shown the historical manner in which this or that State appeared, and not at all what *the State is*. Philosophy has to do with the inner *thought-out concept* of all this.

Rousseau's "social contract" theory has the merit of having, both as to form and content, made *thought* in the form of *will*, the principle of the State. But as he knew of no will but the individual will, his universal rational Will became nothing but a sum of individual wills ; and consequently his State was founded on nothing better than arbitrary choice, inclination, and express, free agreement. For results, see the French revolution and what came after it. The objective will is the rational State, whether the individual recognizes it or not ; and subjective freedom is only half of the truth.

But the State may be falsely founded not only on *internal* particularity, but also on mere external elements, such as

the vicissitude of wants, the need of protection, brute force, wealth, and the like. Now these are indeed elements in the historic development of the State, but certainly not in its *substance*. To mistake such empirical particularities for the foundation of the State is to be a degree more superficial than Rousseau. Not only is the foundation not universal, but it is not even the particular as *thought* and *will*, but only as empirical particularities. So void of reason is this view, which overlooks the infinite and rational elements in the State, that it cannot, in its utter lack of thought, even be said to be inconsistent with itself.

### Supplementary to § 258.

The State in and for itself, is the ethical totality, the actualization of freedom; and actual freedom (freedom actually) is the absolute end of Reason. The State is the spirit that dwells in the world and realizes itself in the world through *consciousness*, while in nature the spirit actualizes itself only as its own other, as dormant spirit. Only when present as consciousness, knowing itself as existing objectivity, is this spirit the State. When reasoning about freedom one must not start from the individual self-consciousness, but only from the essential nature of self-consciousness, for whether one knows it or not, this essence still realizes itself as an independent power in which the single individuals are only moments: it is the course of God through the world that constitutes the State. Its ground is the power of Reason actualizing itself as will. When conceiving the State, one must not think of particular States, not of particular institutions, but one must much rather contemplate the *Idea*, God as actual on earth (*wirklich*), alone. Every State, though it may be declared wretched according to somebody's principles, though this or that imperfection in it must be admitted — possesses always, if it belongs to the developed States of our times, the essen-

tial elements of its true existence. But since it is easier to discover faults than to understand positive characteristics it is easy to fall into the error of overlooking the internal organism of the State itself in dwelling upon extrinsic phases of it. The State is no work of art, it exists in the world, and hence in the sphere of choice, accident, and error. Hence the evil behavior of its members can disfigure it in many ways. But the most deformed (*hässlichste*) human being, the criminal, the invalid, and the cripple are still always living human beings: the affirmative, life, remains in spite of all defects, and here we have to do with this affirmative alone.

### § 259.

The *Idea* of the State has (a) *immediate* actuality, and the individual state as a self-related (*sich auf sich beziehende*) organism, i. e., the constitution, or internal national organization (*inneres Staatsrecht*); (b) the *Idea* passes over in the relations of the single State to other States: the international rights; and (c) it is the universal *Idea* as genus or absolute power in relation to single states; it is the spirit which gives itself its actuality in the process of the world's history.

*Supplementary.*—The State, as actual, is essentially an individual state, and, still more, a particular state. Individuality must be distinguished from particularity. The form is a moment of the *Idea* of the State itself, while particularity belongs to history. The States, as such, are independent of one another, and, consequently, the relation between them can be only external. Hence the need of another synthetic power to unite them. This third is the Spirit (of humanity) which gives itself actuality in the world's history, and which is the absolute judge over single States. Several States may, as a federation, form a supremacy over others, as confederations, like, for example, the Holy Alliance, may



be formed, but these are always only relative and limited, like "the eternal peace." The only absolute judge who ever makes himself valid against the particular is the independent spirit who presents himself as the universal and as the active *genus* in the history of the world. (The spirit of humanity is the spirit of God as actual on earth.)

A. *Internal Polity or National Organization.*

§ 260.

The State is the actuality of concrete freedom. In concrete freedom all personal individuality and its particular interests find their complete development and the recognition of their independent rights (as we have seen them in the sphere of the family and of the civil community) in this larger unity. This occurs, partly through these individual interests being transformed into universal interests, and, partly through individuals recognizing in thought and deed this universal as being their own substantial spirit, and energizing for it as for their own final end.

Thus, neither is the universal valid or realized without the particular interests, intelligence, and will of individuals, nor do individuals live only for the latter as private persons, but have also an independent will for the universal and an activity conscious of this end. The principle of the modern State has this enormous strength and depth, that while it allows the principle of subjectivity to evolve itself into the *independent extreme* of personal particularity, it, at the same time, *brings* all this *back to substantial unity*, and thus gains the subjective extreme in the substantial unity.

*Supplementary.* — The *Idea* of the State in modern times has the peculiarity that it constitutes the realization of freedom not according to subjective inclination, but according to the concept of the will, that is, according to the universal and divine element of freedom. Those are

imperfect States in which the *Idea* of the State is not yet out of the husks, so to speak, in which its particular determinations have not yet come to free independence. In the States of classical antiquity, the universal element was already present, but the particularity was not yet liberated and brought back to universality, *i. e.*, to the common end of the whole. The essence of the modern State lies in this, that the universal is allied to the full liberty of particularity and to the well-being of the individuals. Consequently, the interests of the family and the civic community combine themselves in the State. But they do so in such a way that the universality of the end cannot advance without the individual's own knowledge and will, which must retain their right. The universal must consequently manifest itself in action, but subjectivity must also be fully and vitally developed (be developed in all its fulness and life). Only when the two elements are preserved in their full force, can the State be considered fully articulated and truly organized.

### § 261.

In reference to the spheres of private rights and private welfare, the spheres of the family and the civic community, the State is, on the one hand, an *external* necessity. It appears as their own higher power, to whose nature their laws, as well as their interests, are subordinated and dependent. But on the other hand, the State is the *immanent* end of these lower spheres and has its strength in the unity of its universal final aim, and the particular interests of the individuals, because they have duties toward the State in just so far as they have rights in reference to it (§ 155).

Montesquieu, especially, as we have before remarked, has grasped and attempted to develop in detail in his renowned work, *The Spirit of the Law*, the thought of the

dependence of laws (especially those relating to private rights) on the definite character of the State. In other words, he holds the philosophical view that considers the part only in its relation to the whole.

Duty, primarily, is conduct *towards* something independent, universal, and substantial for me, and on the other hand, rights are the determinate existence of this substantial element, and hence the side of its *particularity* and of my *particular* freedom. Hence duty and right appear, at the formal stage, as divided among different phases and persons. The State, as the ethical sphere, as the interpenetration of the substantial and the particular, contains the principle that my obligation to the substantial is likewise the characteristic form of existence (*Dasein*) of my particular freedom, that is to say, in the State duty and right are united *in one and the same relation*.

But further, in the State the different moments (duty and right) arrive at their characteristic form and reality, and thus the distinction between duty and right reappears. Hence they are (just because they are implicitly, (*an sich*), *i. e.*, formally, identical) *distinct* as to *their content*. In the moral sphere and in that of private right, the *actual* necessity of the relation is not present, and hence there is only an *abstract* similarity of content; *that which*, in this abstract sphere, is a right to one ought also to be the right to another, and *what* is one's duty should also be other's duty. Such absolute identity of rights and duties exists only as similar identity of *content* in the determination that this content is itself the wholly universal principle, that is, the One Principle of duty and right, the personal liberty of man. Slaves have, therefore, no duties because they have no rights, and, conversely, no rights because no duties. (We do not here speak of religious duties.) But in the concrete *Idea* developing itself in itself, these its moments differentiate themselves, and in their full determination they

have also a different content. In the family, the son has not rights *with the same content* as he has duties in relation to the father, nor has the citizen rights *with the same content* as duties in relation to prince and government.

This concept of the union of duty and right is one of the most important characteristics of States, and constitutes their inner strength.

The abstract side of duty comes no further than to ignore and condemn the particular as an unessential and, in itself, unworthy element. But the concrete conception, the *Idea*, shows that the element of particularity is just as essential, and hence its satisfaction absolutely necessary. The individual must in one way or another, in his performance of duty, find his own interests and his own satisfaction or recompense ; some right must grow out of his relation to the State, by reason of which the universal interest becomes *his particular* interest. Particular interests are surely not to be put aside or simply suppressed, but should be harmonized with the universal interest. The individual, being a subject<sup>1</sup> in relation to his duties, finds in their performance, as a citizen, protection of his person and property, care for his own particular welfare, and the satisfaction of his substantial essence, the personal consciousness of being a member of this totality. Such fulfilment by citizens of duties, as labors and business for the State, constitutes the preservation and permanence of the State. But according to the abstract view, the universal interest would only be that its work and business should be performed as duties.

### Abstract of Supplementary §.

Everything depends on the true union of universality and particularity in the State. In the ancient States the will of the State was absolute, without reference to the subjective interests of individuals. The modern State honors the

<sup>1</sup> *Subject* in the *political* sense (*Unterthan* not *Subjekt*).

individual. Every duty to the State is also a right of the individual. The State is simply the organization of the concept of freedom. It is the universal condition necessary for the realization of particular end and individual welfare.

### § 262.

The actual *Idea*, the Spirit, divides itself into the two ideal spheres of its *concept* (the family and the civic community). This is the sphere of its finitude. Here, in order to return from this explicit ideality of phases as infinite actual spirit, it assigns these spheres the material for this its finite actuality. This finite actuality is given to individuals as a *multitude*, so that this allotment to particular individuals appears to be mediated through circumstances, chance, and free choice (§ 185 and note).

### Abstract of § 263, § 264 and § 265.

In place of an abstract of some of these paragraphs, I borrow the following expository paraphrase from Dr. Morris' volume.<sup>1</sup>

"The State, we have said, is the actualization of concrete freedom. And this is the same as to say that the State is, in its measure, the actualization of the Idea of Man; that it is not simply a contingent means of human perfection, but *is* also this perfection itself; that, in brief, the State is Man, standing relatively<sup>2</sup> complete in that fulness and wholeness

<sup>1</sup> Hegel's *Philosophy of History*, by Geo. S. Morris, Ph.D. pp. 84-86. Griggs & Co. Chicago, 1887.

<sup>2</sup> "Relatively," I say, in order to prevent a possible misconception. Relatively, though with an inferior degree of truth, the same may be said of the Family which, in the text, is asserted of the State. But, as we shall see later, the State itself is organic to a larger life and actuality of the human spirit, or of the "idea of man," in universal history; while universal history, again, is organic to the perfect consummation of humanity through the discovery of the true will of man in the will of God, the adoption of the latter as the inviolable *norm* of human action, and the consequent establishment of man in his spiritual perfection and completeness as a co-worker with and child of God.

of developed being which the idea of man as a rational being implies. And it is this by virtue of a process which, just because it is rather organic than merely mechanical, has the form of a process of self-realization.

To illustrate: The actual tree is such only by virtue of a process of growth. In this process the tree becomes nothing other than itself,—it realizes itself. It does this, further, by separating itself into its natural parts or members,—roots and branches. To each it allows a separate or distinct existence, and yet holds them all together in the unity of one organic and living whole. We may say that the tree disperses or distributes itself among its members, and this as the very condition, on the fulfilment of which, the manifestation of its universal life and power, and the actualization of its organic unity (or the actualization of the “idea of the tree”) irrevocably depend. Moreover, the tree is not an after-result of the existence of the roots and branches: when they begin to exist, its existence also begins. So it is with the State. The roots of the State are families, and its branches are the institutions of civil society. Its material is individuals. These take their places under the mentioned institutions, directed by circumstances, by caprice, or by personal choice. The element of “subjective freedom” has here its play. But these institutions themselves have obviously a universal or general character; and the individual in recognizing them, and in maintaining himself in his own chosen place under them, recognizes and devotes himself to the service of a universal with which, by his own deliberate choice, he has identified himself.

But the universality of these institutions has its ground in, and is the manifestation and reflection of, that ethical “universal” which we term the invisible State or nation, or, more explicitly, the spirit of the nation,—the *universal spirit of man*, as it takes form and declares itself

**in** the particular life of the nation. Thus regarded, they **make up** the *constitution* of the nation ; they are the reason **of** the nation, developed and actualized in particular forms. They are, therefore, the 'steadfast basis of the State ; they **immediately** determine the temper of the individual citizens **toward** the State, and especially their confidence in it ; and **they** are the pillars of the public freedom, since in them **particular** (individual) freedom is realized in a rational form ; **and** they thus involve an intrinsic union of freedom and **necessity**, or are, as it were, the living and visible body of **an** interior, organic, and steadfast liberty.

"But institutions by themselves are impersonal and unconscious. Their existence, as the above comparison of them **to** the branches of a tree implies, is assimilated in kind **to** that of a natural organism. The law of freedom, as exemplified *in them alone*, is like a natural law, inflexible, unreflecting, without shadow of turning. In particular, they contain in themselves, as thus viewed and existing, no germ of development. They are the phenomena and product of a public spirit, which they accordingly implicitly presuppose, and which must distinctly declare and develop itself in the form of clear, self-knowing intelligence and will, in order that the form of necessity under which institutional freedom existed may itself be changed to freedom. This spirit we must consider and speak of as the true substance of the State."

### Supplementary to § 265.

It has already been noted that the sacredness of the oath, and the institutions in which the civic community appears as ethical, constitute the stability of the whole (the State). Through these institutions the universal becomes the concern of each and every citizen. It all depends on this, that the law of reason and the particular freedom of individuals penetrate each other, so that my particular end becomes identical with the universal ; else the State is a

castle built in the air (else there is absolutely no rational foundation for the State). The feeling of self-possession (*Selbstgefühl*) of the individual constitutes its actuality, its stability consists in the identity of these two sides of its being (universality and particularity). It has often been said that the end of the State is the happiness of citizens, and this is, indeed, true. If it goes ill with citizens, if their subjective ends are not satisfied, if they do not find that the State, as such, is the mediation of satisfaction, the State stands on a very weak foundation.

### § 266.

But the spirit is not only actual and objective unto itself, but also as this necessity and as a realm of appearance, but also as inner essence and ideality of such appearance. Thus substantial universality is object and end *unto itself*, this necessity exists hereby just as much in the form of liberty.

### § 267.

*The necessity* in the ideality of these elements is the *evolution* of the *Idea* within itself. It is, as *subjective* substantiality, the political *disposition*: and as *objective* distinction from the *organism* of the State, it is the *political* State proper and *its constitution*.

*Supplementary.*—The unity of the freedom that knowledge and wills itself, exists primarily as necessity. The substantial is, at this stage, the subjective existence of the individuals; the other phase of the necessity is the organism that is to say, the spirit is a process in itself, articulating itself in itself, posits distinctions in itself, through which it circulates.

### § 268.

This political *disposition* is termed *patriotism* in general as certainty resting in *truth* (mere subjective certainty).



does not proceed from *truth* and is nothing but opinion); and the will that has become *custom* is simply the result of the institutions existing in the State, as of those in which rationality is *actually* present. So, too, patriotism is manifested by activity in harmony with these institutions. — This disposition is, in general, *confidence* in the State, which may attain to more or less cultured insight. It is the consciousness that my substantial and particular interest is preserved and contained in the interest and aim of an *other* (here the State) in its relation to me as an individual. Hereby the State immediately is no longer an *other*, a stranger to me; and the *ego* is free in this consciousness.

### Abstract of Rest of §.

*here* We ought not to understand by patriotism only extraordinary actions and sacrifices. It is essentially that disposition which is accustomed to recognize the communal life, in the ordinary circumstances and relations of life, as the substantial foundation and final purpose of all activity. But as men find it easier to be magnanimous than just, so they also easily convince themselves that they possess that heroic patriotism, in order to save themselves the trouble of having this everyday patriotism.

It is very much easier to criticise an institution than to understand the truth and necessity at its bottom. In questions of religion it is easy to say that this or that is superstition, but infinitely harder to understand the truth of it. We forget, for our particular interests, that on which our whole existence depends. Few of us are conscious of the fact when safely passing down a street at night, that this safety is the result of an institution; and if we are, we are likely to ascribe it to the mere force of the State, when, in reality, the State coheres because of the fundamental sense of order which the great majority have.

## § 269.

\* \* \* \* \*

*Supplementary.* — The State is an organism, that is, it is the evolution of the *Idea* into all its differentiations or different forms or organs of itself. These differentiated sides are thus the different powers of the State and its affairs and activity, through which the universal continues to bring forth itself and maintain itself in a necessary manner, in conformity with the *Idea* (of the State). This organism is the political constitution;<sup>1</sup> it proceeds eternally from the State, as also the State maintains itself through the constitution. If the two fall outside of each other; if the two sides become free from each other, there is no longer that unity posited which the constitution as an organism produces. Here the fable of the stomach and the other organs finds its application. For it is the nature of an organism that, if its parts do not all merge into unison of activity; if one posits itself as independent, all go to destruction. In considering the State, one gets nowhere with predicates, principles, and the like, since the State must be comprehended as an organism. To attempt any other course, is just as idle as to try, by the aid of predicates, to comprehend the nature of God, whose life I must, much rather, behold (*anschauen*) in its very self.

## § 270.

That the purpose and end of the State is the universal interest as such, and the satisfaction therein of the particular interests as to their substance, is (1) the State's *abstract actuality*, or substantiality; but this is (2) the State's *necessity* when the actuality of the State divides itself in the

<sup>1</sup> By constitution (*Verfassung*), Hegel does not refer only to the constitution on paper, but to the *principle* on which and by which the State is constituted.

conceptual distinctions (concept-distinctions) of its activity. These distinctions become, through this substantiality, really actual and *stable* determinations, or powers; (3) but this substantiality itself is the self-conscious and self-willing spirit, as *having passed through the form of culture and education*. Hence the State *knows* what it wills, and knows it in its *universality* as something *thought*. Therefore the State acts according to conscious ends, known principles, and according to laws that exist not only *in themselves* (implicitly), but also for consciousness; and, also, in as far as its actions have reference to present circumstances and conditions, they are determined by the exact acquaintance with such relations.

It is not too much to say that Hegel always and everywhere shows his deep and vital interest in religion, as one of the absolute forms of truth. He is perpetually recurring to it and giving extended expositions of its character, function and place in the system of absolute truth. We are not surprised, therefore, at finding here a long digression on the relation of the State to Religion. In place of this long translation, however, we deem it of more value to give Dr. Morris'<sup>1</sup> very free exposition of Hegel's general view on the subject:

"Is religion the foundation of the State? Undoubtedly it is, and the whole of his Philosophy of the State and of History is a progressive demonstration of this truth, and of the sense in which it must be understood. The State, history, and indeed all natural existence, are the gradual actualization or manifestation of an Absolute Reason, which can and must exist in its eternal fulness only as Absolute Spirit, or God. In the ethical world, in particular, we are in process of seeing how each lower grade presupposes, as its substantial foundation, proximately the next higher one and then absolutely all higher ones. So the

<sup>1</sup> pp. 88 and 89 of volume previously cited.

Family presupposes or calls for Civil Society, while the State is similarly presupposed by both. The particular State, again, the nation, with its definite national spirit, is organic to, and hence presupposes, a still larger life of the human spirit, — a life which at once takes up into itself and also transcends the limits of separate national existences, and of which universal history is both the expression and the demonstration.

But man, conceived and known as the spirit immanent in universal history, as universal humanity, or *Weltgeist*, is found to be unable to stand alone. He is relative to something else, which he presupposes as his 'substantial foundation'; he is not absolute. The whole historic life of humanity is organic to, and dependent on, the life and operation of the absolute and eternal Spirit, of whose thought and will it closes the demonstration, begun at the lowest grade of finite existence.

When the natural and ethical worlds are comprehended as the progressive incarnation of reason in 'reality,' God, who is the 'absolute truth,' is seen to be the eternal presupposition and the omnipresent and actual condition of all existence whatever, but most conspicuously of the existence of the 'ethical world.' If all things whatsoever are, in their degree, the revelation and incarnation of that supreme reason in which absolute and eternal Being — God, Absolute Spirit — consists, and if it is thus true of all things that they are a present and actual revelation of divine will and spiritual being, much more obviously is this true of an ethical organism, an historic power, like the State. So Hegel declares that 'the State is divine will, in the form of a present (national) spirit, unfolding itself in the actual shape and organization of an (ethical) world.'

The whole normal process of history, to which all the life of man, in Family, Civil Society, and State is organic, consists in the progressive realization of concrete human freedom, —

that is, of the essential spiritual nature of man, through the conscious recognition of God as the 'foundation' of all the true life of the human spirit, and of the divine will as the true substance or content of the human will. In the whole process of history, or of the 'ethical world,' humanity is progressively learning, and showing that it is learning, that its true language is, 'Lo! I am come to do thy will, O God!' And so the foundation of the State is indeed, and in the most radical and comprehensive sense, religion, which, says Hegel, has ideally 'the absolute truth for its content.' Upon this general truth, both in its generality and in its specific applications, our author finds occasion, as we shall see, to insist at almost every step in the development of the philosophy of history, — the spiritual story of humanity.

But when religion is otherwise regarded; when it is identified with immediate feeling, or with an intuition which claims exemption from the arduous labor of philosophic comprehension; when, accordingly, it degenerates into fanaticism and narrow dogmatism, restricting the presence of God in history within the limits of a select religious organization, and treating the State as at the best only a soulless and godless mechanism, — then the claim that religion is the foundation of the State must be rejected, or rather corrected. Then, especially, must the spiritual character of the State and its inherent divine right be emphasized."

### § 272-§ 341.

It is not necessary, for the purpose of the present volume, to give even a *résumé* of Hegel's exposition of the *political* state, as the organized and publicly-expressed will of its people. Its articulate form follows from the distinction of the universal, the particular, and the individual, and their combination in a concrete and living activity. He declares

that, as to form, that of a constitutional monarchy is the peculiar achievement of the modern world, emphasizing the constitutional and representative elements as well as the monarchical one. We have essentially the same articulation of the three elements in our monarchical democracy, and England the same in her democratic monarchy.

He was specially favorable to the English form, in reference to which he uttered his well-known saying that the king was "but a dot upon the *i*." The King or the President may equally be the mouth-piece of the personality of the State, the crown,—or the necessary dot over the *i*,—of the whole moral organism of the State. What he says about laws, as the express forms of the content of substantial freedom; of the constitution as the express will of the people; of the function and moral temper of the officers in the whole department of civil (public) service; of suffrage being restricted to representatives of definite interests organized under the commonwealth; of freedom and equality; of the double form and worth of public opinion, and of war as an ethical factor, is admirable.

So, too, what he says as to (*b*) international policy is admirable. He recognized that any one national spirit is a limited one, that no one State can be the "terrestrial god," or realize the full nature of man as a political animal. Hence he turns to (*c*) universal history to find the law of the development of man as man. Here he gives his interpretation of the autobiography of humanity, whose individuals are nations, progressively and consciously realizing the *idea* of freedom, and entering upon their rightful heritage. It is thus throughout an ethical consideration of universal history, an ethical estimation of the course of man's thoughts and deeds, under Divine guidance, to the largest and most rational form of self-realization.

C. *Universal History.*

## § 341.

Universal spirit has the element of determinate being in several forms: — in art, that of sensuous form and symbol, in religion, that of sentiment and pictorial conceptions, in philosophy, that of pure, free thought; while in universal history it is that of the spiritual actuality of humanity in the whole circle of its internal and external activity. The history of the world is the judgment of the world, because it contains, in its self-dependent universality, all special forms — the family, civil society, and nation, reduced to ideality, *i. e.* to subordinate but organic members of itself. It is the task of the spirit to produce all these special forms.

## § 342.

Further, universal history is not the mere judgment of its own power, *i. e.*, it is not the abstract and irrational necessity of blind fate. But inasmuch as it is inherently rational and self-conscious, it is rather the evolution of the phases of reason and, consequently, of its self-consciousness and freedom; it is the actualization and interpretation of universal spirit.

## § 343.

The true history of the spirit is its own deed, for spirit is real only so far as it is activity. And the true deed of spirit is to make itself its own object, to comprehend itself in its own self-exposition. Such comprehension is its vital principal, and the fulfilment of this comprehension is at the same time its own alienation (*Entäusserung*) and transition. And spirit returning back into itself out of this alienation is the spirit of the higher stage in relation to itself as it existed in its first comprehension.

Here arises the question concerning the education and perfectibility of the human race. Those who maintain the perfectibility of humanity have intuitively anticipated something of the nature of spirit—of its nature to have *ἑαυτὸν* as the law of its being and to thus reach a higher stage than that of mere existence. But, for those who deny this view, spirit has been a mere name, and history a mere superficial play of accidental human passions and struggles. Though they professedly hold to faith in a supreme power and plan of providence, these terms remain dead conceptions, for they expressly say that the plan of Providence forever remains inconceivable and unknowable.

### § 344.

In this labor of the world-spirit, nations and individuals appear in all their special forms, which have their actuality and exposition in their whole circle of existence. They are conscious of these latter and profoundly interested in them, and yet they are, at the same time, the unconscious tools and organic phases of that inner labor of the world-spirit. They arise and they also vanish in this task of the world-spirit, which thereby prepares and works out its transition into the next higher stage.

### § 345.

Justice and virtue, violence and vice, talents and their deeds, small and great passions, guilt and innocence, the glory of individuals and nations, independence, the fortunes and misfortunes of empires and individuals have their definite significance and worth in this sphere of conscious actuality and find therein their judgment and their still imperfect justice. But the history of the world lies beyond all such points of view. In it, that necessary phase of the *Idea* of the world-spirit, which is at any time existent, receives its absolute right: people, with all their deeds, who



live in this phase, receive their completion, their fortune and renown.

### § 346.

History is the formation of spirit into deed, into the form of immediate natural actuality. Hence the phases of the development are present as immediate natural principles. And because of their being merely natural, they are various and disconnected. Hence each people has its own peculiar natural principle — its geographical and anthropological character.

### § 347.

The world-spirit, in its onward march, hands over to each people the task of working out its own peculiar vocation. Thus in universal history each nation in turn, is for that epoch (and it can make such an epoch only once), dominant. Against this absolute right to be the bearer of the present stage of the development of the world-spirit, the spirits of the other nations are absolutely without right, and they, as well as those whose epochs are passed, count no longer in universal history. The special history of any world-historical nation contains, partly the development of its genius from its infantile state to its bloom, when it attains to free ethical self-consciousness and holds the wheel of the world's destiny; partly, it also contains the period of its downfall and destruction. For thus the rise of a higher principle appears as only the abrogation and the fulfilment of its own earlier form. . . .

### § 348.

At the head of all great historical events we find individuals who accomplish the essential destiny of a people or an epoch. As tools of the world-spirit, they do the deed without conscious design of its full significance

and consequences. Their contemporaries and even posterity may decline to bestow due honor upon them for the deed. But the true view of their mission, gives them their part in immortal renown.

### § 349.

A people is not directly a State. The transition of a clan, horde, tribe or multitude into the make-up of a state constitutes the formal realization of the *Idea* as such in it. A people is potentially ethical substance, but unless it is formed into State it lacks the determinate being which fixed laws can give it, both for itself and others, and, hence, can have no recognition and can assert no sovereignty.

### § 350.

It is the absolute right of the *Idea* to appear in laws and objective institutions, springing from wedlock and agriculture, whether the form of this realization appears as divine legislation and grace, or as violence and wrong. Such right is the right of heroes to found states.

### § 351.

Hence it also happens that civilized nations consider and treat such nations as represent a lower stage, as barbarians, esteeming their rights as inferior and their independence as merely nominal. Their wars are of significance in the world-history, only as representing the element of the struggle for recognition.

### § 352.

The *genii* of peoples as concrete *Ideas*, have their truth and character in the *Absolute Idea*. They stand around the throne of the world-spirit as the executors of its realization, and as witnesses and ornaments of its glory. As world-

spirit it is only its own deed of coming to itself—to conscious knowledge of its own being and mission of freedom. There are four marked principles of the formation of this self-consciousness in the course of its freedom, *i. e.*, the four world-historical empires.

These are: (1) The Oriental, (2) the Greek, (3) the Roman and (4) the Germanic Empires.

### § 353.

In the *first* of these it (the world-spirit) has the form of *substantial* spirit, in which all individuality remains suppressed and without the right of existence.

The *second* principle is the *knowledge* of this substantial spirit. It is the positive content and fulfilment and independency as the vital form of the world-spirit, which is beautiful ethical individuality.

The *third* is the self-involution of this knowledge and independence to abstract universality. It thus renders all objectivity spiritless and comes into infinite opposition to it.

The principle of the *fourth* form is that of the change of this opposition of Spirit, so as to receive inwardly its own truth and concrete nature, and to be reconciled with objectivity, and thus to be at home with itself in the sphere of the secular. This change also involves its creating and knowing its truth as thought and as the real definite world. It involves this, because it is spirit which has overcome its opposition to secular objectivity and returned, laden with all the spoils of victory, to universal Spirit.

This division gives the skeleton outlines, which Hegel's *Philosophy of History* clothes with all the vitality of the spirit of God, as the spirit of humanity. This work is already so well known in translation<sup>1</sup> as to render un-

<sup>1</sup> *Lectures on the Philosophy of History*, by G. W. F. Hegel, translated by J. Sibree, M.A. Bohn's Philosophical Library, 1861.

necessary more than commendatory reference to it. We, however, select a few paragraphs as the fitting close of this volume on Hegel's Ethics:—

"The History of the world is the progress of man in the consciousness of freedom. . . . It is the discipline of the uncontrolled natural will, bringing it into obedience to a universal principle and conferring subjective freedom. . . . The Orientals knew that *one* is free, who was only a despot not a free man. The Greeks and Romans knew that *some* are free,—not man as such. The Germanic nations, under the influence of Christianity, were the first to attain the consciousness that man, as man, is free—that it is the freedom of spirit which constitutes his essence. . . . But to introduce this principle into the various relations of the actual world, involves, besides its simple implantation, a severe and lengthened process of education."<sup>1</sup>

"The spirit of God lives in the Church, but it is in the world, as a yet inharmonious material, that spirit is to be realized. The world, or secular business, cannot be repudiated, and ultimately the discovery is made that spirit finds the goal of its struggle and its harmonization in that very sphere which it made the object of its resistance—it finds that secular pursuits are a spiritual occupation."<sup>2</sup>

"This *fourth* phase of World-History answers to the *old age* of man's life. The old age of *nature*, however, is *weakness*; but the old age of *spirit* is its perfect maturity and strength, in which it returns to unity with itself, but in its fully developed character as *spirit*. This fourth phase begins with the *Reconciliation* presented in Christianity—but only in the germ, without national or political development."<sup>3</sup>

After portraying the terrible but wholesome discipline of the middle ages, under the two iron rods of ecclesiastical power and serfdom, he says:—

<sup>1</sup> pp. 19 and 110.

<sup>2</sup> p. 368.

<sup>3</sup> p. 115.

"Humanity has now attained the consciousness of a real internal harmonization of spirit and a good conscience in regard to actuality—to secular life. The human spirit has come to stand on its own basis. In the self-consciousness to which man has thus advanced, there is no revolt against the Divine, but a manifestation of that better subjectivity which recognizes the Divine in its own being; which is imbued with the Good and the True, and which directs its activities to the general and liberal objects bearing the stamp of rationality and beauty."<sup>1</sup>

In speaking of the Reformation, he says: "This is the essence of the Reformation: man, in his very nature, is destined to be free."<sup>2</sup>

In showing how the modern spirit has taken up and made its own "the absolute inwardness of soul," and yet demands the surrendering of one's mere private subjectivity to substantial truth, required by Christianity, he says:—

"In the proclamation of these principles is unfurled the new and final standard round which the nations rally—the banner of *Free Spirit*, independent, while finding its life in the truth and enjoying its independence only in the truth. This is the banner which we bear and under which we *serve*. Time has no other work to do than the formal imbuing of the world with this principle, in bringing the Reconciliation implicit in Christianity into objective and explicit realization. . . . This is the sense in which we must understand the State to be based on Religion. States and Laws are nothing else than Religion manifesting itself in the actual relations of the secular world."<sup>3</sup>

"Secular life is the positive and definite embodiment of the Spiritual Kingdom—the Kingdom of Will manifesting itself in outward existence. . . . That which is just and moral belongs to the essential, independent and intrinsically *universal* will; and, if we would know what is right, we

<sup>1</sup> p. 425.

<sup>2</sup> p. 434.

<sup>3</sup> p. 434.

must abstract all subjective inclinations and desires, *i. e.*, we must know what the Will is in itself. The Will is free only when it does not will anything alien to itself (as universal) but wills itself alone — wills the Will (universal)."<sup>1</sup>

Then, after making most trenchant criticism of this principle when applied in the abstract way which led to "the Age of Reason," the French Revolution and the *Aufklärung*, ruthlessly destroying all the holy web of human institutions, he says:—

"It is a false principle, that the fetters which bind justice and liberty can be broken without the emancipation of the Conscience—that there can be a Revolution without a Reformation. . . . Mere external power can affect nothing in the long run: Napoleon could no more coerce Spain into freedom than Phillip II. could force Holland into slavery."<sup>2</sup>

"In the Protestant world there is no sacred or religious conscience in a state of separation from or, perhaps, even of hostility to secular right. This is the point attained by the modern Consciousness. . . . Objective freedom—the laws of real freedom—demand the subjugation of the arbitrary, formal, subjective will. Yet while the objective is the rational for man, there is the further demand that insight and conviction correspond with the Reason which the objective embodies. Thus we have the other essential element—subjective freedom—also realized."<sup>3</sup>

"That the History of the World, with all the changing scenes which its annals present, is this process of the development and actualization of Spirit—this is the true Theodicy, the justification of God in History. Only *this* insight can reconcile the human spirit with the course of Universal History—*viz.*, that what has happened and is happening each day is not only not without God, but that it is essentially His work."<sup>4</sup>

<sup>1</sup> p. 461.<sup>2</sup> p. 472.<sup>3</sup> p. 476.<sup>4</sup> p. 477.

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<p><b>Andover-Harvard Theological Library</b> <b>Cambridge, MA 02138      617-495-5788</b></p>
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**Please handle with care.**  
Thank you for helping to preserve  
library collections at Harvard.

